

REPORT
OF
RAILROAD COMMISSIONERS
VERMONT
— — —
1904



NEW PASSENGER DEPOT AT BELLOWS FALLS.—RUTLAND AND BOSTON & MAINE RAILROADS.

REPORT OF THE BOARD OF RAILROAD COMMISSIONERS
NINTH BIENNIAL REPORT

OF THE

BOARD OF

RAILROAD COMMISSIONERS

OF THE

STATE OF VERMONT,

June 30th, 1902 to June 30th, 1904.

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Board of Railroad Commissioners.

1902-1904.

FULLER C. SMITH, <i>Chairman</i> ,	-	ST. ALBANS, VT.
HENRY S. BINGHAM, <i>Clerk</i> ,	- -	BENNINGTON, VT.
*HORACE W. BAILEY,	- - - -	NEWBURY, VT.
†GEORGE T. HOWARD,	- - -	CRAFTSBURY, VT.

* Resigned, October, 1903.

† Appointed to fill vacancy, October, 1903.

STATE OF VERMONT.

RAILROAD COMMISSIONERS' REPORT.

To the General Assembly of the State of Vermont:

The law requires the railroad commissioners to report to the general assembly their acts and proceedings under chapter 172, V. S., and to include therein such details as will disclose the actual working of the system of railroad transportation in its bearing upon the business and prosperity of the state and such suggestions in respect thereto as they deem appropriate and beneficial. In compliance with the law the following report is submitted.

STATISTICS.

The statistical tables which appear in Part II. of this report show in detail the financial operations of every railroad doing business in Vermont, with the single exception of the Canada Atlantic which operates only three miles of line in Vermont and the intra-state traffic of which is unimportant. These tables also show the mileage of each road; the capital and debt; earnings and income; operating expenses; fixed charges, dividends, surplus or deficit; general balance sheet; equipment; passenger and freight traffic and classification of freight traffic.

The fiscal year in railroad accounting generally ends on the 30th day of June; two months or more expire before the statistics can be compiled and reported to the railroad commissioners. Between September first and the sitting of the general assembly the first Wednesday in October, it is impossible to tabulate and publish these tables and consequently the information they dis-

close is brought down only to the 30th day of June of the year prior to the sitting of the general assembly,—in this report to June 30th, 1903. In the judgment of the commissioners, provision should be made for the annual publication and distribution of the tables, showing the financial operations of each road, such publication to be issued not later than November 15th of each year. The statistical matter referred to is not of special interest to the average citizen, but from railroad men, bankers, brokers, statisticians, commissions, and from various other sources come frequent requests for the data afforded in such reports. To be of use the information they contain should be accurate and to date. Vermont should not be content with a report which furnishes statistics relating to so important a business, all of which is more than a year old.

RAILROAD CONSTRUCTION.

The biennial term has marked the completion of the Rutland electric street railway to Fairhaven; the Lake Bomoseen branch of the same road; and the building of eleven miles of double track on the Vermont Valley road from Bellows Falls to Putney. This latter work is being continued the present season and will be completed to Putney before December 1st, 1904. The line is also being straightened, reverse curves taken out and two crossings abolished, one an over-head crossing and the other an underpass. It has been built in the most substantial manner. The year 1902 witnessed the completion of the Manchester, Dorset and Granville railroad from Manchester, where it connects with the Rutland system, to the marble quarries in Dorset, a distance of five miles. The Hinesburg railroad is in the same condition as reported two years ago.

ELECTRIC RAILWAYS.

Vermont now has 95 miles of electric railways. The system of accounting used by many of these companies is so imperfect that their reports are unsatisfactory and furnish no sufficient data upon which to base a comprehensive report of their financial operations or condition. The law requiring such reports from electric railways to the board of railroad commissioners is not specific enough to justify the commissioners in insisting upon a

system of accounting that will enable these roads to fully answer the interrogatories contained in the blanks prescribed by the Street Railway Accountants' Association of America and approved by the National Association of Railroad Commissioners.

Enough has been ascertained, however, to show that methods very lax and loose in character have been employed in financing electric railways during the period of construction and early operation. To illustrate, one road confesses that out of its \$300,000. of capital stock only \$510. was actually realized, the road having been built by the sale of bonds. No dividends are paid upon the stock and the payment of interest upon the bonds results in an annual deficit. This road is about 10 miles in length. Its capitalization and funded debt represent a cost of \$50,000. per mile. Such methods are dangerous alike to the public and patrons of the road. Fortunately these roads are owned largely by capitalists from without the state, Vermonters having, for the most part, shrewdly declined to invest in the securities offered them. But the efforts of outside capitalists to enrich themselves by building electric railways in Vermont has proved disastrous because the securities issued are so manifestly disproportionate to the value of the property that investors refuse to purchase them. The result is that Vermont securities of all kinds suffer in reputation and character and the investing public is subjected to unexpected risks. The commissioners believe that the capitalization and debt creating power of electric railway companies should be controlled by legislative enactment, and that issues of stock or bonds should first receive the approval of some competent state authority to the end that the securities issued may bear some reasonable relation to the value of the property represented thereby.

PHYSICAL CONDITION OF STEAM RAILWAYS.

Every mile of railroad in the state has been annually inspected by the commissioners. In 1903 the services of Mr. Charles F. Stowell, a competent and disinterested authority upon bridge construction, were obtained and the board now has in its possession his report upon nearly every structure in the state. Mr. Stowell's report was also seasonably mailed to the management of every railroad operating within the state. It is believed that the public may have full confidence in the stability and safety of all bridge structures used by railroads; it is certain that within the past

few years a very great improvement has been accomplished in the weight and safety of railroad bridges throughout the state. This is particularly apparent upon the Central Vermont, Rutland, and Boston and Maine systems, and upon the shorter lines the progress has been comparatively good. In a very few instances bridge structures have been sharply criticised, not as positively dangerous, but as demanding the careful watchfulness of the management and early renewal. In all these instances it is intended to renew the structures during the season of 1905.

In many instances the examination of bridge structures has involved the actual measurement of members and the computation of strains so that the conclusions arrived at have been both accurate and intelligent. It is believed that a distinct service has been rendered both the railroads and the public by the employment of expert authority in making these inspections.

The depot structures, in most instances, afford reasonable facilities and sufficiently serve the needs of the public. This is particularly true upon the Boston and Maine, St. Johnsbury and Lake Champlain, Montpelier & Wells River, Maine Central, Bristol, Woodstock, Vermont Valley, Atlantic & St. Lawrence (Grand Trunk) and Canadian Pacific roads. It is measurably true of the Central Vermont and Rutland systems; but at several important points on each of these lines new passenger stations are badly needed and improved facilities and sanitary conveniences are urgently required in some of the present structures. Prominent among these unserviceable structures are Rutland, Danby, Arlington, Sunderland and South Wallingford on the Rutland railroad; Richford, Essex Junction, Barre and Cambridge on the Central Vermont.

New passenger stations have been built during the biennial term at Bellows Falls, Island Pond, Hyde Park, Proctorsville, Fowler, North Enosburg and Fitz-Dale, and extensive repairs have been made upon the passenger station at Manchester, Wolcott, and Walden. A new station will be built at Montpelier Junction this season.

In some instances station agents fail to keep their stations in a condition of cleanliness and the attention of the management was called to such cases at the time of the annual inspection.

An item of great importance in maintaining a railroad is that of tie renewals. The following table will show the renewals of ties on the various roads in 1903 and the kind; no report can be made at the date of this writing for 1904.

RENEWALS OF TIES IN 1903.

ROADS.	CHEST- NUT.	HARD PINE.	CEDAR.	OAK.	HEM- LOCK.	CY- PRESS.	ALL OTHERS	TOTAL.	MILES ROAD.
BARRE.....	.....	.....	963	.....	.....	.....	7846	8809	27
BOSTON & MAINE (C. P. Div.)	2738	.....	5063	.....	.....	.....	15243	23044	110.06
BRISTOL.....	1000	800	.....	.....	.....	.....	200	2000	6.59
CENTRAL VERMONT:									
Windsor to Canadian Line.....	22782	.....	36637	.....	.....	.....	.....	59419	170
Missisquoi Branch	3033	.....	7806	.....	.....	.....	.....	10929	28
Burlington & Lamotte Branch.....	.....	.....	5820	.....	.....	.....	.....	5820	34
Brattleboro & Whitehall Branch.....	15906	.....	.....	.....	.....	.....	.....	15906	36
Swanton Junction to Rouses Point.....	4359	.....	5279	.....	.....	.....	.....	9638	18
CLARENDON & PITTSFORD.....	.....	10000	.....	.....	.....	.....	.....	10000	17
DELAWARE & HUDSON:									
Rutland Branch.....	562	2516	.....	.....	.....	.....	.....	3078	7
Sub Division No. 4.....	.....	7192	.....	.....	.....	.....	.....	7192	29½
GRAND TRUNK RY .....	.....	.....	5805	1065	.....	.....	.....	6870	41.49
HARDWICK & WOODBURY.....	.....	.....	1000	.....	.....	.....	3500	4500	9½
HOOBAC TUNNEL & WILMINGTON.....	.....	.....	.....	.....	.....	.....	.....	9000	.....
MAINE CENTRAL R. R. ....	.....	59	1957	.....	.....	.....	109	2125	13.85
MONTPELIER & WELLS RIVER.....	.....	.....	2185	.....	.....	.....	18868	21053	44
MONTREAL & ATLANTIC (C. P. R.).....	.....	.....	4850	.....	.....	.....	6950	11800	21.50
RUTLAND:									
B. & R. Division .....	.....	7732	2689	390	.....	.....	1010	11821	58
Bellows Falls Division, Rutland to B. Falls.....	.....	12119	1620	.....	.....	.....	851	14590	53
Main Line, Rutland to Burlington .....	.....	11032	6581	293	.....	.....	1565	19471	68
R. C. Division, new tracks.....	.....	1500	5000	500	.....	.....	.....	7000	42
Addison Branch .....	.....	.....	1954	.....	.....	.....	258	2212	16
*ST. JOHNSBURY & LAKE CHAMPLAIN	1760	.....	19791	.....	.....	.....	33537	55088	131
VERMONT VALLEY	4663	.....	.....	210	.....	.....	.....	4873	23.69
WHITE RIVER .....	.....	.....	.....	.....	750	.....	.....	750	19
WOODSTOCK .....	.....	.....	.....	.....	.....	4000	100	4100	14

*Includes Victory Branch, 11 miles.

There is a tendency on the part of some of the leading systems to neglect the branch lines. Every effort is made to keep the main line in first-class condition while important branches are allowed to go without proper ballast and with insufficient help to keep the track properly policed and surfaced; tie renewals are also less frequent. Notable among such instances are the Leicester Junction—Ticonderoga branch of the Rutland and the Williamstown, Missisquoi, Burlington and Lamoille and Brattleboro and Whitehall branches of the Central Vermont. The Burlington and Lamoille and Missisquoi branches have been recently ballasted, but this was not done until it became absolutely necessary and not enough section men are employed to keep the track in good condition at all seasons of the year. These branch lines should not be sacrificed for the benefit of the main stem. They furnish a local business of importance and contribute to the main line a traffic of considerable magnitude. The policy of merely keeping them in a safe condition is unwise and destructive of best results from their operation.

The commissioners made a special inspection of the White River railroad on April 29th, 1904 and the following day made an order closing the road to passenger traffic. Extensive repairs upon the road-bed and some of the bridge structures were at once commenced and on June 6th, 1904 another inspection was made. The improvements had so far advanced that permission was given the management to open the road to passenger traffic on June 13th; but the commissioners insisted upon a continuance of the work until the road should be ballasted practically throughout its entire length and three very long trestles rebuilt or filled with earth. This work is being done and will be completed on or before November 1st, 1904. This road will then be in very good condition and will handle the considerable traffic it enjoys with safety and despatch. The road is doing a lucrative business and a prosperous future is reasonably certain.

The western end of the St. Johnsbury and Lake Champlain road from East Fletcher to Swanton is in need of ballast and a thorough re-alignment and re-surfacing of the track. It is doubtless safe for the traffic over it, but low joints make it rough and it should receive attention.

Important improvements have been in progress during the past two seasons on the Hardwick and Woodbury railroad. A large number of new ties have been placed in the road-bed and the filling of several very high trestles with granite grout has

been completed. At one trestle there have been dumped 1,938 car loads of stone. This road is rather rough but is improving each year. It has no passenger traffic of importance and is safe for the heavy granite traffic over it.

The Hoosac Tunnel and Wilmington, a narrow gauge road from Hoosac Tunnel to Wilmington, is in fair condition. Hardly enough attention is given the work of aligning and surfacing the track and it is consequently rough and uneven. This is, in a measure, due to the fact that second hand rails from the Boston & Albany railroad have been laid over a considerable portion of the line, and when laid were turned so that the outside of the rail, as first laid, is now the inside and wearing surface. In places there is need of ballast and renewal of ties.

With the exceptions hereinabove noted the railroads of Vermont are in first class physical condition. During the past five years there has been a marked improvement and today they give evidence of stability and intelligent care.

PHYSICAL CONDITION OF ELECTRIC RAILWAYS.

The physical condition of the electric railways in the state is not in all respects reassuring. The Burlington Traction Company, the Military Post road, the Springfield electric and the Rutland street are the best examples of street railway building and are, in all respects, in good condition. With well built road-beds, smooth tracks, ample power, first-class rolling stock and frequent service, they are serving admirably the needs of the public. The St. Albans street railway has a good road-bed but there is a failure to keep it up to the standard to which it was originally built. This road lacks power and is being operated expensively. The service rendered the public might be greatly improved and some dangerous practices in operation have received the sharp criticism of the commissioners.

The Bennington and Hoosick Valley road is in poor physical condition. It badly needs ballasting and surfacing. The alignment is poor, especially upon curves, and the consequent jolting of the cars is very unpleasant to the patrons of the road. Some of the worst places are being ballasted and surfaced this season but extensive work in the near future will be necessary to keep the road in good condition.

The Bellows Falls and Saxton's River road and the Brattleboro street railway are in a fair physical condition but are not

to be classed among the best. Numerous renewals of ties will soon be necessary upon these roads and the commissioners are glad to note that the management of the first mentioned road is already engaging in this important work. Not enough attention is given to keeping up the rail joints and surfacing and alignment of the track. The bridges are safe and well kept up.

The Barre and Montpelier traction company, while not a thoroughly built and equipped road, is serving fairly well the people of both Barre and Montpelier. The road is not up to date in its equipment and its road-bed is more or less uneven. It is the uncomfortable possessor of five grade crossings with steam roads. A thorough overhauling of its road-bed and equipment would greatly improve its earning power. The two cities of Barre and Montpelier should furnish business sufficient to make a first-class street railway a profitable undertaking.

The Mount Mansfield electric railway is in very poor physical condition. Its road-bed is rough and it can be operated with safety only by extreme care and watchfulness. It is fortunate in being managed by a most careful and conscientious superintendent who personally looks after every detail of its operation. Its bridge structures are in good physical condition and safe for the traffic over them. Extensive repairs upon its road-bed are already needed. No accidents have occurred during the past two years; the running time is very slow.

OPERATION OF ELECTRIC RAILWAYS.

The building of suburban electric roads and the operation of high speed cars along public highways has introduced a new danger to the travelling public. With a sufficiently stable road-bed, with cars equipped with every first-class modern appliance, and with ample power, there is comparatively little danger in a high speed suburban service. But with all these adjuncts of safety the passenger must depend upon the judgment and alertness of the motorman and conductor. The commissioners have noticed several instances where corrective legislation is greatly needed. Electric railways graduate a novice into a so-called competent motorman or conductor in a period of apprenticeship covering three to six weeks. Employees as young as 18 to 20 years of age are not infrequent. There are no well settled standards of examination. The requirements of each company are different. No standard codification of rules exists governing the

operation of cars. Lack of any means of communication between meeting points and between meeting points and headquarters often retards the progress of cars or induces employees to accept the risks of proceeding on the time of another car. Crossings of steam and electric roads are often run without obeying the restraining orders of the management or of railroad commissions. Vermont has thus far escaped the horrors of a serious trolley disaster; but eventually we shall pay the penalty of our neglect to throw around the operation of electric cars the safeguards called for by the dangerous character of the service. This cannot be done by giving the railroad commission, in general terms, the "supervision of all railroads in this state, operated by steam or electric power," with such limitations upon that supervision as are implied by the statute. Sections 3982, 3983, 3989 and 3993, V. S., as amended by No. 68 of the laws of 1902 and by No. 74 of the laws of 1898, are not sufficiently broad or specific in their terms as to permit the commissioners to remedy the evils above referred to, and others, by an order. Moreover, some of these requirements should be statutory, so that no discretion can be exercised by the commissioners, and the various railroad companies be held to accountability by the prosecuting officers of the state, the same as is the case in certain matters pertaining to the operation of steam roads.

ABOLISHMENT OF GRADE CROSSINGS.

During the biennial term the board has been instrumental in the abolishment of twelve grade crossings. Two on the St. Johnsbury & Lake Champlain railroad in the town of Walden; four on the Vermont Valley railroad in the town of Putney; one over the Montpelier & Wells River and Central Vermont railroads in the city of Montpelier; and five on the Grand Trunk railroad in the town of Brighton. The latter work was accomplished in connection with the building of a new passenger station, an overhead highway pass and a round house, the whole making the most extensive improvements undertaken at a single point by any road in the state during the biennial term. The completed work is well illustrated in this report. Two grade crossings have also been abolished without the intervention of the commissioners in the town of Lunenburg on the St. Johnsbury & Lake Champlain road.

The commissioners believe that the work of abolishing grade crossings should be constant and that each year a number of the most dangerous should be eliminated. But the financial condi-

tion of the railroads in this state for the most part precludes the accomplishment of such work except in occasional instances. The commissioners have felt that to compel the abolishment of grade crossings under the statute giving them authority to do so, would be to impose an unexpected and onerous burden upon the different roads—a burden that they can ill afford to bear at the present time. The commissioners have therefore refrained from ordering the abolishment of any grade crossings, with one exception, under the provisions of Sec. 3842, V. S.

ACCIDENTS.

Upon the Central Vermont and Rutland railroads several serious and distressing accidents have been reported during the past two years. Near Shelburne, on January 2nd, 1903, a wild engine collided with a northbound passenger train and five deaths resulted. The engineer of the wild engine left Burlington for the south without sufficient time to reach Shelburne, the next station south, before the arrival of the northbound "flyer." In the resulting collision the engineers and firemen of both engines and a head brakeman lost their lives.

At Milton, on May 7th, 1903, a collision between two freight trains resulted in one fatality and serious injury to one or two other persons. The engineer of a northbound freight drew out of the passing track on to the main line, on the time of a southbound freight which he had orders to meet at that point. Failure to observe the rule to read another order he was receiving there to his conductor and the operator, resulted in a confusion of that order with another in the mind of the engineer. And so the accident happened.

Near Montpelier Junction on March 8th, 1904, a collision occurred on the Central Vermont railroad in which two lives were lost and several trainmen more or less seriously injured. A telegraph operator at Montpelier Junction failed to stop an opposing southbound freight train; it collided with the northbound second section of a passenger train with the results above stated.

The causes of these accidents, and of all others upon which there have been held public investigations, are fully stated in the chapter relating to the subject of accidents. It has been observed by the commissioners that there are notably less accidents of a serious nature upon railroads maintaining the highest standards of discipline and responsibility among employees; where train-

men are most alert and best able to perform their respective duties; where station agents and telegraph operators are most alive to the responsibilities attaching to their positions; where the management is in closest touch with the individual employee; where, in a word, the spirit of emulation is universal and the desire and effort to establish and maintain a good record is most pronounced. The policy of a railroad management should be to constantly educate its employees in every department up to the highest standards of efficiency and to promote its best men in such a way as to furnish an object lesson to all, showing full appreciation of well directed effort. Employees become careless and indifferent to responsibility in direct ratio to the carelessness and indifference of superior officers to their welfare and individual interests. No man should be given employment without a searching test of his competency and ripe judgment. Once employed, a personal interest in his work and advancement should be constantly exhibited and he will thus be made to feel that he is a consequential factor in the operation of the road, and that the management is relying upon his competency and fidelity. Any other policy will result in indifference and insubordination; the work becomes distasteful and hope of development forlorn. The successful operation of a railroad and the reduction of accidents involving injury to persons and loss of property to a minimum require the same degree of discipline and prompt execution of orders as that of an army in the field. It is essential that the employees have confidence in their superiors, and that they possess the respect and personal interest of all heads of departments.

Every man who has been in the employ of a railroad corporation for any length of time and who possesses an observant and intelligent mind acquires knowledge of the practical workings of railroad administration that might be of considerable value to his employers. Frank and frequent discussion of the work in hand between the employer and the employee will keep the management better informed concerning the details of the operation of the road and the humblest employee will often suggest a cure for evils that have long been passed without consideration or attention.

These may seem to be platitudes, but careful study has been given to these "small things" with a view of ascertaining if there is not some sufficient reason for a multitude of more or less serious accidents on some roads while upon others, where like conditions prevail, few avoidable accidents are recorded. The com-

missioners believe that there is a great difference among the various railroad corporations of the state in respect to this matter, and that the policy of mutual dependence between officials and employees, where best exemplified, is signalized by most favorable results.

COMPLAINTS AND PETITIONS.

In its proper place will be found a record of all complaints and petitions preferred to the commissioners and the disposition of the same. The most important were those relating to improved train connections at Burlington; for a new passenger station at Bellows Falls; for a new passenger station and abolishment of grade crossings at Island Pond; and for improved signaling apparatus at grade crossings of steam and electric railways. The first and the last were set in motion at the primary instance of the commissioners and in recognition of the manifest demands of the public. The first resulted in a substantial compliance by the railroads with the requirements of the commissioners. The second brought about the installation of signals at grade crossings of steam and electric roads which it is believed will materially lessen the danger of serious accidents at such crossings. The old device was crude, ineffective and liable to failure. The new method, while not the most approved in use, greatly enhances the safety of the travelling public and will surely justify the expense of its adoption.

The new station at Bellows Falls is a model of convenience and comfort and ranks among the very best in the state. It should serve the needs of the public for many years. The improvements at Island Pond are the most extensive made at any point in the state for some years. Both are well illustrated elsewhere in this volume.

The commissioners have assisted in adjusting differences between patrons and shippers and the various railroads in numerous instances not recorded herein. In most of these cases the solution has been achieved by personal application or correspondence and a ready compliance with all reasonable requirements has been made.

NEW MAP.

The commissioners have procured the publication of a new railroad map of Vermont which accurately locates every line of

steam and electric road in the state. Every station is also accurately located and the distances between each are shown. The map was published by George F. Cram of Chicago; it is believed to be the most accurate railroad map of Vermont yet published.

WHAT IS THE COMMISSION WORTH TO THE STATE?

With every sitting of the general assembly there is a recurring discussion of the question, "Shall the railroad commission be abolished?" It is a difficult matter for a railroad commission to comment upon this subject with unfailing frankness and candor. But the true test is largely in what the commission actually accomplishes. It would seem that the fact that nearly every state in the Union maintains a railroad commission, at an expense in almost every instance largely in excess of that incurred by Vermont, is a sufficient affirmative answer to the question. But unless the commission is actually giving to the people of Vermont something they cannot get without its existence and that "something" is worth at least as many dollars and cents as the commission costs, then it better be abolished. Only one other item is worth considering in the determination of the question; might not conditions more or less intolerable prevail if Vermont had no tribunal like the railroad commission before which complaints might be preferred with the certainty of quick adjustment and without expensive litigation? No amount of speculation can determine this last question. It may, however, be worthy of serious consideration.

The members of the general assembly are invited to carefully read the acts and proceedings of the commissioners contained in this report and then say if the board has actually accomplished anything of real worth and benefit to the people of the state. The cost of the commission for the biennial term has been, so far as can be ascertained at the present writing, \$11,992.64 or \$5,996.32 per year. If it be concluded that the commission has been worth what it cost under the law regulating its powers and duties, it can be made of more worth and utility by enacting such legislation as will supplement the present law and correct its defects. Suggestions pointing to new legislation, such as the practical experience of the board has shown to be needful, will be found under a proper heading. The commissioners will not unduly urge this legislation, believing it to be the province of the

general assembly to enact laws and the province of the commission to impartially perform the duties imposed upon it by law. If, however, the commissioners, individually or collectively, can render any assistance in drafting any measure calculated to enhance the efficiency of the board or to regulate wrongs, or to harmonize conflicting laws, they will be ready to aid as fully as they may.

New Hampshire in 1903 expended \$7,175.00 in support of its railroad commission, exclusive of printing the commissioners' report; Maine, \$11,500.00; Connecticut \$13,000.00; Massachusetts \$33,500. The powers and duties of these commissions are not unlike those delegated to this board. The salary of the chairman in New Hampshire is \$2,500.00 per year and of each commissioner \$2,000.00; in Maine, the same; in Connecticut \$3,000.00 for each commissioner; and in Massachusetts \$5,000.00 for the chairman and \$4,000.00 each for the other commissioners.

CHANGES IN THE LAW.

The laws relating to the establishment, powers and duties of the railroad commission are now contained mainly in chapter 172, V. S., and the amendments thereto passed since 1894. In order to make the powers and duties of the board clear and unambiguous the law should be entirely recast and re-enacted. In many respects there is doubt as to just what the law means and in some things there is direct conflict with other provisions of the statute. In 1902 important amendments were enacted but no compilation of the laws relating to railroad commissioners has since been made; the result is that a person applying for the law must be referred to two or more volumes, none of which he is likely to own or have easy access to.

To illustrate the conflict and ambiguity of statutory law which sometimes occurs, section 3989, V. S., as amended by section 6 of act number 68 of the laws of 1902, provides that among other powers the railroad commissioners may order a "change in the running and connection of local passenger trains." What is a "local" passenger train? Railroad companies doing an interstate business claim they do not run a train of that description; that the equipment starts from points outside the state and is destined to points outside the state, and that the commission has no jurisdiction governing the starting of the train from its initial point or its arrival at the point of destination. It cannot, there-

fore, control its time of departure from intervening stations. In a word, that such a train is not a "local" passenger train. Now turn to section 3863 and 3864, V. S., and there will be found a provision that commissioners appointed by the supreme court, upon petition of twenty legal voters living in any town on the line of any railroad, shall have the power to compel the connection of passenger trains. This power should not be conferred upon two commissions, because one commission might undo the work of the other. And the statute should clearly define what trains may be made to connect.

Sections 3871 and 3872, V. S., provide that a railroad company shall construct and maintain farm crossings for the use of proprietors of lands adjoining the railroad, and that when the parties cannot agree upon the manner or number of such crossings the same shall be determined by commissioners. These commissioners are those appointed by the supreme court, as will be seen by an inspection of section 3880, V. S. This process is tedious and expensive; it should not be necessary to petition the supreme court to appoint a commission to determine whether or not a farmer should have a farm crossing over a railroad to his meadow, and to commence litigation before commissioners from which an appeal lies to the county and supreme courts. The power should be delegated to the railroad commission as the proper tribunal, because the process is easy, speedy and without excessive cost. In several instances railroad commissioners have been obliged to dismiss petitions brought to compel the construction of farm crossings because of lack of jurisdiction.

The law regulating the salaries and expenses of railroad commissioners should include compensation and expenses for attendance upon the annual meeting of the National Association of Railroad Commissioners and the annual meetings of the Master Car Builders Association and the American Railway Master Mechanics Association. All of these meetings are most important in their educational features and furnish an opportunity for the interchange of ideas and the observation of new devices that cannot fail to be of value to the commissioners and through them to the state. Vermont should be represented at such meetings with her sister states. If the commissioners now attend any of these meetings they must pay their way from their own pockets and lose their time.

The law should provide for the imposition of a fine upon the motorman or conductor of an electric car who passes over any

grade crossing with a steam road without first bringing his car to a stop and displaying the danger signal upon the steam road, except in cases where such signals are displayed by another person employed for that specific purpose.

A law should be passed requiring every company constructing an electric railway within the limits of this state to make application to the railroad commissioners, or some other tribunal, for an approval of its stock and bonds and providing that no issue of stock or bonds shall be a valid obligation of the company without such approval.

Legislative authority should be granted the commissioners to compile the railroad laws of the state, including those passed at the present session of the general assembly. At least fifteen hundred copies of this compilation should be issued.

The law should require the installation of signals at points on electric railways where the same are necessary for the secure operation of the road and also means of telegraphic or telephonic communication between all turnouts and the operating office. The substantial requirements of Sec. 3912, V. S., should be made to apply to the operation of electric railways.

The law should prohibit an electric railway from running any car in front of the motor-car and a penalty should be placed upon the company if they are so placed.

The provisions of Secs. 3917, 3918 and 3919, V. S., should apply to the cars of electric railways. The substantial provisions of Sec. 3922, 3923, 3924 and 3927, V. S., should be made applicable to electric railways.

Sections 3860 to 3868, V. S., inclusive, should all be recast and made applicable to the connections of steam and electric roads as well as of to steam roads. The commissioners named therein should be the railroad commissioners and not those appointed by the supreme court, for the reason that to obtain a decision by commissioners appointed by the supreme court is a tedious and expensive proceeding, while action by the railroad commissioners is more expeditious and less expensive to interested parties.

The general assembly should also find some way to make the act of trespassing upon railroad yards and railroad rights of way an offense punishable by a fine sufficiently large to deter all persons from walking in railroad yards and upon railroad tracks. The loss of life and injury to persons trespassing upon railroad

tracks is considerable as may be seen by an inspection of the chapter of accidents in this volume.

Section 3883, V. S., should be amended so that the clear space between the lowest timbers of an over-head bridge and the top of the rails under the same should be 22 feet instead of 20 feet, whenever any such bridge is built or rebuilt. Section 3884, V. S., should also be amended in like manner. The law should also be made to apply to all over-head obstructions.

Section 3891, V. S., should be amended so that the powers therein reposed in the supreme court may hereafter be exercised by the railroad commissioners. This section relates to the abandonment of a railroad station and a diminishing of accommodations furnished by the railroad company to the public.

Section 3896, V. S., relating to the power of the supreme court to reduce tolls fixed by a railroad company for the transportation of passengers and property, should place this authority in the board of railroad commissioners.

These changes in the law should be made in order to facilitate the quick and inexpensive disposition of grievances which these sections of the statutes are intended to cure. To give to the board of railroad commissioners the authority to regulate these matters is not a dangerous bestowal of power nor is it taking from our judicial tribunals any relief which ought to be sought in the courts. It is true that complaint is seldom made under some of these sections of the law but when occasion arises for the application of these remedies provided by the statutes then it is important that the relief sought can be obtained in the shortest and most inexpensive manner.

FULLER C. SMITH,
HENRY S. BINGHAM,
GEORGE T. HOWARD,
Railroad Commissioners.



NEW GRAND TRUNK PASSENGER DEPOT AT ISLAND POND.—GRAND TRUNK RAILWAY.

Complaints, Petitions, and Orders.

PETITION OF THE VERMONT VALLEY RAILROAD COMPANY OF 1871.

Subject: Grade Crossings in the Town of Putney.

Appearances: John Young, for petitioner; C. C. Fitts, for the town of Putney; Selectmen of the town of Putney; George T. Aplin, W. E. Pierce, D. S. Pearsons, Mrs. Owen Foley, Kate Foley, Michael Foley, Wm. Foley, Michael Malay and Harlow P. Farr, pro se.

Docket Entries:

May 24th, 1902, petition filed. May 26th, 1902, order of service issued. June 9th, 1902, hearing at East Putney. Prayer of the petition granted. September 10th, 1902, order issued. December 31st, 1902, final order of approval issued.

PETITION.

*To Jonathan Ross, J. M. Boutwell and Henry S. Bingham,
Railroad Commissioners for the State of Vermont:*

The petition of the Vermont Valley railroad company of 1871, respectfully represents to your Honors:

That it owns a railroad extending from Bellows Falls to Brattleboro in the county of Windham, and that said railroad passes through the town of Putney in said county.

That within three miles northerly of your petitioner's depot at East Putney there are now four highway crossings over your petitioner's railroad tracks at grade and one crossing over said tracks upon an overhead bridge.

That by laying out a new highway from said depot at East Putney northerly on the westerly side of your petitioner's rail-

road across Minot's brook and thence northerly on the west side of said railroad to a point about six hundred feet northerly of the third highway crossing over said railroad which is northerly of said Minot's brook, and there intersecting at the most feasible point with the present highway on the west side of said railroad, and laying out a new highway from the new highway above described running in a straight line easterly across said railroad upon an overhead bridge at right angles with said railroad track to a point where it will intersect the present highway leading from said depot to the buildings of H. P. Farr, crossing said railroad tracks about three hundred and fifty feet northerly of the present grade crossing near said depot, and changing the location of the overhead crossing, or highway bridge, from its present location to the line of said last mentioned new highway would render said four grade crossings and the highways over said railroad tracks unnecessary.

That the public good and the necessity and convenience of individuals and the safety of the travelling public will be very greatly promoted by establishing and constructing said new highways and abolishing said four grade crossings and changing the location of said overhead crossing as above suggested.

That your petitioner has been negotiating with said town of Putney for some considerable time seeking to abolish said four grade crossings and establish said new highways and said change in the location of the overhead crossing, by agreement.

That said town and your petitioner have arrived at an agreement as to how said alterations may be made and the apportionment of the expense thereof between said town and your petitioner.

That the selectmen of said town and the counsel for said town think that some part of the highway and some of the grade crossings which would be discontinued by the proposed change, were established by a committee appointed by the county court, and the selectmen of said town of Putney, under the advice of counsel, have arrived at the conclusion that they have no power to carry out said proposed changes and discontinue all said highways and all said crossings.

Wherefore your petitioner prays your Honorable Board to fix a time and place in the town of Putney for hearing all parties interested in the premises, to give proper notice to all parties interested, the land owners affected by said alterations as well as the selectmen of said town of Putney and your petitioner, and

that at the time and place so fixed by your Honorable Board, you will examine the premises, hear all the evidence offered in favor of and against said proposed alterations, and if satisfied that the public safety requires the alterations of said highways crossed at grade by said railroad, that your Honorable Board will order and direct the said alterations to be made and how and by whom such alterations shall be made, the time within which the same shall be completed, and apportion the expense thereof between said town of Putney and your petitioner as your Honorable Board shall deem just and reasonable, and that your Honorable Board will also make an order discontinuing said four grade crossings and said overhead crossing now in use, said order of discontinuance to become operative as soon as the new highway ordered by your Honorable Board shall be worked and completed suitable for public travel in accordance with the order of your Honorable Board.

VERMONT VALLEY RAILROAD COMPANY OF 1871.

By Young & Young, Attys.

REPORT AND ORDER.

The petition in this case sets out in substance that within three miles next north of the depot at East Putney there are four highway crossings over the railroad tracks of the Vermont Valley railroad company of 1871, and that an alteration of the highway will render these crossings unnecessary, and praying that the highway be altered and the expense thereof apportioned.

Thereupon a session of the board was held at East Putney, Vt., on June 9th, 1902, at which all parties in interest were present. After hearing the parties and inspecting the premises the board determined that the public good and safety requires an alteration of the highway in question, according to the prayer of the petition.

It is therefore ordered that the highway in the town of Putney leading northerly from the depot at East Putney be changed and altered as follows :

The selectmen of the town of Putney shall lay out and establish a public highway as follows :

Beginning at a point in the center of the present highway leading from Putney to a ferry crossing the Connecticut river, said point being 41.7 feet southerly from the south-west and 35.4

feet south from the south-east corners of a house owned by the Owen Foley estate and shown on a certain plan on file ; thence north 84 degrees 1 minute east 162 feet, thence north 48 degrees 45 minutes east 362.9 feet, thence north 50 degrees 44 minutes east 394.8 feet, to a point which is $4\frac{1}{2}$ rods west of the center of the main line track of the Vermont Valley railroad, thence northerly on a curve parallel to and at a distance of $4\frac{1}{2}$ rods west of said center of main line track for 980.3 feet, thence north 24 degrees 39 minutes east 165 feet to a point $4\frac{1}{2}$ rods west of the aforesaid center of track, thence north 11 degrees 58 minutes west 110 feet, thence north 37 degrees 13 minutes west 123.5 feet, thence north 9 degrees 9 minutes east 126.5 feet, thence north 34 degrees 5 minutes east 449.4 feet, thence north 67 degrees 58 minutes east 138.1 feet, thence north 45 degrees 9 minutes east 146.9 feet to a point which is 4 rods west of the center of the main line track of the Vermont Valley railroad, thence north 24 degrees 55 minutes east 596.4 feet parallel to and at a distance of 4 rods westerly from said center of said main line, thence northerly on a curve parallel to and at a distance of 4 rods westerly of said center of said main line, 644.2 feet, thence north 35 degrees 37 minutes east parallel to and at a distance of 4 rods west of said center of said main line 823.1 feet, thence north 33 degrees 13 minutes east 757.9 feet, thence north 41 degrees 50 minutes east 156.4 feet, thence north 34 degrees 48 minutes east 174.6 feet, thence north 21 degrees 53 minutes east 177 feet, thence north 36 degrees 57 minutes east 291 feet, thence north 63 degrees 25 minutes east 160 feet to a point which is 4 rods west of the center of main line track of said Vermont Valley railroad, thence on a curve northerly parallel to and at a distance of 4 rods west of said center of said main line 163.8 feet to a point in the existing highway.

Said highway to be laid one rod on the west and two rods on the east of the herein described line except the first mentioned course which takes one rod on the north and on the south to the south line of the present highway.

Also another highway as follows:

Beginning at a point on the central line on the highway above described and at a distance of 524.9 feet from the south end of same, thence south 49 degrees 37 minutes east 600 feet to a point in the present highway which leads from East Putney station to the ferry. The above road to be laid one and one-half rods on each side of the hereby described line.

The town of Putney shall build the abutments of the high-

way bridge across the Minot's brook and shall construct them of such a height that the distance from the surface of the water in the brook at medium height or usual level of the water to the lowest projection of the bridge shall be clear twelve feet six inches. The highway from the south end of the Minot's brook bridge southerly and the approaches to the overhead bridge hereinafter mentioned, shall be so graded and constructed as to make a continuous grade of not more than six (6) feet elevation in each one hundred (100) feet of length, and to make the slopes on the sides of said excavations and fills not steeper than eighteen inches horizontally for each twelve inches of elevation, and to make a surface or road-bed sixteen (16) feet wide, of such material as the material of the cuts may prove to be. All banks and the road-way at all fills shall be protected by suitable guard-rails. All fills and excavations shall be protected from surface water by ditches, and the Vermont Valley railroad company shall make provisions for taking care of the water which may run along the west side of the embankment south of Minot's brook, by grading and by a ditch on the west side of the fill, which shall carry such water into Minot's brook west of the abutment of the bridge.

A suitable highway bridge shall be constructed and maintained over the railroad tracks where the new highway second above described shall cross said tracks. The bridge and approaches to the same shall be protected by suitable guard-rails.

The changes and alterations above ordered shall be made and the expense thereof paid as follows :

The town of Putney shall pay all land damages and all cost of alteration and construction and shall perform all work, except as hereinafter specified.

The Vermont Valley railroad company of 1871 shall provide the services of a competent engineer to do all the engineering or surveying required in the above changes and construction work and furnish all specifications necessary to use in making contracts therefor. Said company shall furnish all materials and labor and construct the over-head bridge above ordered and forever maintain said bridge and the approaches thereof for the distance of one rod east of the west face of the east abutment, and for a distance of one rod west of the east face of the west abutment, and suitable railings or guard-rails upon each side of said bridge and the approaches thereto, to the distance last above specified. But said town of Putney shall maintain and support the approaches and railings to the approaches east and west of

said one rod limit. Said company shall, at its own expense grade and fill the approaches to said over-head bridge and the new highway leading east from said bridge to where it intersects the old highway leading from the depot to the ferry, and also the new highway west of said bridge, to where it intersects the new highway first above described. It shall also erect a suitable railing on each side of said fill easterly and westerly of said bridge to the foot of the grade and connect the same with the railings within the one rod limit above specified. If said company desires to make said fill or grade of materials taken from the triangular piece of land east of the railroad and between the old and the new highway, the town of Putney shall obtain the right to do so. Otherwise all filling to be done by said company shall be at its own expense. The Vermont Valley railroad shall excavate, grade and fill the new highway from the south side or end of the bridge across Minot's brook southerly to the point where the surface of said road, on a six per cent. grade, first intersects with the natural surface of the ground south of where said excavation commences.

The Vermont Valley railroad company of 1871 shall in addition to the work above specified pay to the town of Putney the sum of seventy-four hundred dollars (\$7,400) when said changes and alterations above ordered are completed to the approval of this board.

And it is further ordered that as soon as the new highways above ordered shall be approved by this board and opened for public travel that the selectmen of the town of Putney shall by an order duly recorded in the town clerk's office discontinue the following highways and crossings, viz :

All highway crossings over the tracks of the Vermont Valley railroad between the depot at East Putney and the north terminus of the new highway first above ordered, being the three crossings next north of Minot's brook and two next south. Also all the highway, as now travelled, between the new highway first above described and the railroad, which lies north of the road leading from the depot at East Putney, westerly by the barn of David M. Frost. Also all the highway on the east side of said railroad from where said new road first above described intersects the highway, as now travelled, at the north end, southerly to the northerly buildings of H. P. Farr, and all the highway between the buildings of Michael Malay and the present overhead crossings. The highway and crossing first north of

the said depot is to be discontinued for the distance of two rods easterly and two rods westerly of the center of the main track of said railroad and no further. And since such discontinuance of the last named crossing will cut off access to the present side-track at East Putney, it is further ordered that the Vermont Valley railroad company of 1871, shall construct and maintain suitable side tracks on the west side of its main line and furnish and maintain a suitable roadway to the same.

All the alterations and changes above ordered shall be made to the approval of the board of railroad commissioners on or before November 30th, 1902.

Any party hereto may cause this order and the order of approval of said new highways to be recorded in the town clerk's office of the town of Putney, and such record shall operate as an order of the board of railroad commissioners for the discontinuance of the highways and highway crossings above specified.

JONATHAN ROSS,

JAS. M. BOUTWELL,

H. S. BINGHAM,

Board of Railroad Commissioners.

Montpelier, Vt., September 10th, 1902.

ITEMS OF AGREEMENT.

In the above entitled matter, after hearing before the commissioners, it is agreed by and between the town of Putney, acting by its selectmen, and the Vermont Valley railroad company of 1871, acting by its superintendent H. E. Folsom and assistant engineer David Williams, that for the purpose of strengthening the foundations of the bridge across Minot's brook mentioned in the petition in said matter, the town of Putney shall lay or cause to be laid granite stone of at least twelve to fifteen inches in thickness as a flagging from the westerly or upper side of the bridge now in process of construction across said brook to the distance of six feet up the stream and extending clear across from the southerly to the northerly wing of said bridge, and shall lay on the easterly or lower side of said bridge flagging to the same distance and of the same material and thickness covering the whole space from the northerly to the southerly abutments on the easterly or lower side of said bridge for the distance of six feet from the east line of said bridge; and,

That the town of Putney shall also cover the timbers now laid in the bed of said brook, under the arch of said bridge, with good, sound plank extending from the granite flagging on the lower side to granite flagging on the upper side of said bridge, said planking to extend the whole distance from the foundation of said arch on the southerly to the foundation of said arch on the northerly side of said bridge; and

That said town of Putney shall also, for the protection of the wing on the northerly and the wing on the southerly side of said stream at the westerly or upper side of said bridge, pile or place a sufficient quantity of stone against said wing walls to protect each of said wing walls against the current of the water and any refuse or material that may come down stream and against the said walls.

The whole of said work to be done in a good, thorough, substantial manner, and the material used to be proper for the same, and the whole to be done to the satisfaction and approval of the board of railroad commissioners.

TOWN OF PUTNEY BY

GEORGE T. APLIN,

M. C. INGALLS,

H. O. DODGE,

Selectmen.

VERMONT VALLEY RAILROAD COMPANY OF 1871,

By H. E. Folsom, Superintendent.

East Putney, Vermont, October 13, 1902.

SUPPLEMENTAL ORDER.

In the above entitled cause the petitioner having applied to the board to inspect the work being done under the terms of the original order in the cause, the board, on October 13, 1902, inspected the premises and heard the parties, and thereupon it is considered and adjudged that the bridge now being constructed by the town of Putney at Minot's brook, shall, in order to comply with the terms of the original order, be strengthened as follows: the town of Putney shall lay or cause to be laid granite stone of at least twelve to fifteen inches in thickness as a flagging from the westerly or upper side of the bridge, now in the process of construction across said brook, to the distance of six feet up the stream and extending clear across from the southerly to the

northerly wing of said bridge, and shall lay on the easterly or lower side of said bridge flagging to the same distance and of the same material and thickness, covering the whole space from the northerly to the southerly abutments on the easterly or lower side of said bridge, for the distance of six feet from the east line of said bridge; and,

That the town of Putney shall also cover the timbers now laid in the bed of said brook, under the arch of said bridge, with good, sound plank extending from the granite flagging on the lower side to granite flagging on the upper side of said bridge, said planking to extend the whole distance from the foundation of said arch on the southerly to the foundation of said arch on the northerly side of said bridge; and,

That the said town of Putney shall also, for the protection of the wing on the northerly and the wing on the southerly side of said stream at the westerly or upper side of said bridge, pile or place a sufficient quantity of stone against said wing walls to protect each of said wing walls against the current of the water and any refuse or material that may come down stream and against said walls.

The whole of said work to be done in a good, thorough, substantial manner, and the material used to be proper for the same, and the whole to be done to the satisfaction and approval of the board of railroad commissioners.

Dated at Montpelier in the county of Washington and state of Vermont this 27th day of October, A. D., 1902.

JONATHAN ROSS,

JAS. M. BOUTWELL, .

Board of Railroad Commissioners.

FINAL ORDER.

The petition in this case prayed for the alteration of the highway in the town of Putney running north from the depot at East Putney for a distance of nearly two miles and the abolishment of four highway grade crossings over the tracks of the petitioner and the apportionment of the expense thereof. Upon this petition an order was made by the railroad commissioners whose term of office expired December 1st, 1902, changing and altering the highway as prayed for in the petition and locating the new highway by measurement and survey and defining the limits

thereof and apportioning the expense between the petitioner and the town of Putney, as appears more fully in said order, all of which alterations and changes to be made to the approval of the board of railroad commissioners and on or before November 30th, 1902.

Thereupon a session of the board was held at East Putney, Vt., depot on December 30th, 1902, at 2 o'clock in the afternoon upon due notice to all parties in interest. The board inspected the premises and examined the work done by both the petitioner and the town of Putney under said order and it appearing that the new highway had been located and constructed in accordance with the terms of the order dated September 10th, 1902, and the supplemental order dated October 27th, 1902, and to the satisfaction of the petitioner and the town of Putney, and that the new over-pass had been located and erected, together with the approaches thereto, by the petitioner in accordance with the terms of said order and to the satisfaction of the town of Putney, it is therefore ordered:

That the new highway constructed by the town of Putney leading north from East Putney depot on the westerly side of the tracks of the Vermont Valley railroad company of 1871 for a distance of approximately two miles, together with the location thereof, and the location and erection of the over pass built by said Vermont Valley railroad company of 1871 and the approaches thereto be and the same are hereby approved by this board and the said highway and every part thereof be opened for public travel on the tenth day of January, 1903, and that upon said last mentioned day the following highways in said town of Putney and the grade crossings hereinafter described be discontinued and abolished, viz.:

All the highway, as formerly travelled, between the new highway described in the original order of the board dated September 10th, 1902, and the railroad, which lies north of the road leading from the depot at East Putney westerly by the barn of David M. Frost.

Also all the highway on the east side of said railroad from the point where said new highway intersects the old highway as formerly travelled at the north end southerly to the northerly buildings of H. P. Farr, and all the highway as formerly travelled between the buildings of Michael Malay and the old overhead crossing formerly in use. Also the highway and crossing first north of the depot at East Putney for a distance of two rods

easterly and two rods westerly of the center of the main track of said railroad and no further. Also all the highway crossings over the tracks of said railroad between the depot at East Putney and the north terminus of the new highway as located in said original order and laid out and constructed by said town of Putney.

It is further ordered that said original order dated September 10th, 1902 and said supplemental order dated October 27th, 1902 and this order of approval of said new highway be recorded in the office of the clerk of said town of Putney and such record shall operate as an order of the board of railroad commissioners of the state of Vermont for the opening of said new highway above referred to for public travel and for the discontinuance of the highways and highway grade crossings above specified.

Done at St. Albans, Vt., this 31st day of December, 1902.

FULLER C. SMITH,

H. S. BINGHAM,

HORACE W. BAILEY,

Railroad Commissioners.

PETITION OF CITIZENS OF RICHMOND.

Subject: Flagman or Signal at Highway Grade Crossing in Village of Richmond.

Docket entries:

Sept. 29th, 1902, petition filed. Copy sent C. V. Ry. Oct. 6th, 1902. Notice of hearing at Richmond, Oct. 14th, 1902, sent C. V. Ry. and petitioners. Oct. 11th, 1902, hearing continued to a date to be fixed. Notice given. Nov. 1st, 1902, petitioner's request for hearing filed and copy sent to C. V. Ry. Nov. 14th, 1902, notice of hearing at Richmond, Nov. 18th, 1902 at 9 a. m. sent to C. V. Ry. and petitioners. Nov. 18th, 1902, hearing at Richmond.

Present: Commissioners Bingham and Boutwell and clerk.

M. G. Leary for petitioners.

C. W. Witters, for C. V. Ry. Co.

Premises inspected. Parties heard.

Nov. 25th, 1902. Order issued.

PETITION.

To the Honorable Board of Railroad Commissioners:

We the undersigned citizens of the village of Richmond, Vt., would respectfully petition your body, that on account of the numerous accidents which have occurred there, the railroad officials of the C. V. R. R. be obliged to place some safeguard, like a flagman and gate, at the only highway crossing over their track in this village, and we pray that your board may so direct and demand such precaution against loss of life and limb be made by the company operating such railroad. The amount of travel in said highway leading over this crossing, the great number of children who are daily obliged to use it on their way to school, and the fact that this crossing which is a very dangerous one at best on account of its situation, is doubly so in respect to the number of fast trains shooting this station, demands such action.

F. H. SHEPARDSON AND 15 OTHERS.

ORDER.

Application having been made to this board under the provisions of Sec. 3851, V. S., for a flagman to be stationed at the highway grade crossing of the Central Vermont railway in the village of Richmond, Vt., the board on due notice to all parties inspected the premises and heard the parties on November 18th, 1902, and on consideration it is ordered:

That the Central Vermont railway company shall erect and maintain an electric signal at the highway grade crossing south of the depot in the village of Richmond, Vt. Said signal shall consist of a bell or gong of at least twelve inches in diameter, to be located at a suitable point near the crossing and to be operated and electrically controlled by a closed circuit track-circuit relay and so equipped that the bell shall be automatically sounded when a train approaching from the south shall be at a point one hundred rods south of the crossing and when a train from the north shall be at a point eighty rods north of the crossing and shall continue to sound until the train shall have passed the crossing. This circuit must be so arranged that when a south-bound train is standing at the depot waiting for a north-bound train to pass, that the act of opening the passing track switch from the main-line track shall cut out the bell from the north, but must still leave the bell working for north-bound trains.

The act of closing said switch must again put the bell in working order for south-bound trains.

The Central Vermont railway company shall also erect in connection with said above ordered signal a conspicuous sign on which shall be the words, "CROSSING DANGEROUS WHEN THIS BELL RINGS."

The Central Vermont railway company shall cause the above signal to be tested each morning and afternoon by some competent employee. Such test shall be made by putting a wire across the rails on each side of the crossing. Should the bell fail to ring or ring continuously notice shall be sent to the superintendent and until the signal is repaired a section man or other employee shall be stationed at the crossing to act as a flagman. It is also ordered that no trains of the Central Vermont railway company shall pass over the part of the track for one hundred rods on each side of the crossing at a higher rate of speed than twenty (20) miles per hour.

It is further ordered that the planking between the rails at the crossing in question be repaired and so constructed as to furnish a road-way of at least twenty-four (24) feet.

And it is ordered that the signal above ordered shall be constructed and put in operation to the approval of this board before January 1st, 1903.

JONATHAN ROSS,
J. M. BOUTWELL,
H. S. BINGHAM.

Railroad Commissioners.

MONTPELIER, VT., Nov. 25th, 1902.

APPLICATION FOR MODIFICATION OF ORDER.

*To Fuller C. Smith, H. S. Bingham and H. W. Bailey,
Railroad Commissioners of Vermont:*

In the matter of electric signals at highway grade crossing in the village of Richmond.

Your petitioner, the Central Vermont railway company, respectfully requests that you modify the order relative to the above crossing, dated November 25th, 1902, in the following respects:

1. As to the speed of the trains over that part of the track for 100 rods on each side of the crossing.

2. As to that part of the order that requires that the signals shall be tested each morning and afternoon by some competent employee.

3. As to the time allowed for the constructing and putting in operation of the above signals.

Your petitioner believes that there should be no limit placed upon the speed of trains while the public are protected by the signals.

As to the testing of the signals, this company has a large number of signals to be inspected, which are examined at intervals by its electrician, and it also requires the agents at the different points where they are located to keep informed as to whether the signals are working properly and to report promptly by wire any defect that may occur. In the judgment of this company, that care is all that ought to be asked of it.

As to the time when the signals shall go into operation, your petitioner asks that it be extended to January 31, 1903, for the reason that it has been impossible to obtain the installation of the plant within the requirements of the order.

St. Albans, Vt., December 30, 1902.

C. W. WITTERS,

Attorney for the Central Vermont Railway Company.

MODIFICATION OF ORDER.

Upon written application of the Central Vermont railway company and for good cause shown, the order of the board of railroad commissioners dated November 25th, 1902, relating to the installation of an electric bell signal at the highway crossing in the village of Richmond is hereby modified in the respect following, viz:

That the time limited for the installation of the signal and the reduction in the speed of trains passing over said crossing to twenty (20) miles per hour is extended to January 31st, 1903.

Done at St. Albans, Vt., this 31st day of December, 1902.

FULLER C. SMITH,

H. S. BINGHAM,

HORACE W. BAILEY,

Railroad Commissioners.

FINAL MODIFICATION OF ORDER.

Application having been made to the board of railroad commissioners under the provisions of Sec. 3851, V. S., for a modification of the original order in this cause dated December 30th, 1902, after due notice and hearing, it is ordered that the terms of the original order be changed and modified as follows:

1. The provision of the original order dated Nov. 25th, 1902 relating to the testing of said signal twice each day by a competent employee is hereby modified so as to read as follows:

The Central Vermont railway company shall place in the office of the agent in the depot at Richmond a tell-tale bell or warning device working in connection with the gong at the crossing, and should said tell-tale bell or gong fail to ring or ring continuously while a train is passing over the section of the track between the contact points 100 rods south and 80 rods north of said crossing, and said crossing, the agent will immediately send notice to the superintendent of the Central Vermont railway company and until the signal is repaired a section-man or other employee shall be stationed at the crossing to act as a flagman.

2. The provision of the original order dated November 25th, 1902, relating to the speed of trains over said crossing is annulled.

3. The installation of said signal shall be completed to the approval of this board and put in operation on or before January 31st, 1903.

Bennington, Vt., January 15th, 1903.

FULLER C. SMITH,

H. S. BINGHAM,

HORACE W. BAILEY,

Railroad Commissioners.

APPLICATION FOR APPROVAL OF DESIGNS OF WARNING
BOARDS.

On July 16th, 1902, the Rutland railroad company applied to the commissioners for their approval of the standard warning board for grade crossings which had been adopted by said company, and thereupon the following approval was issued.

REPORT OF APPROVAL.

Application having been made to the board of railroad commissioners by the Rutland railroad company for the approval of the design of warning boards for use at highway grade crossings and it appearing that boards so constructed will furnish a conspicuous notice and warning to travellers approaching the railroad crossings, it is ordered :

That the design of warning boards attached to and made a part of this order is hereby approved by section 3848 of the Vermont statutes.

JONATHAN ROSS,

H. S. BINGHAM,

JAS. M. BOUTWELL,

Railroad Commissioners.

Dated at Montpelier, Vt., this 25th day of July, 1902.

PETITION OF CITIZENS OF PLAINFIELD, VT.

Subject: Highway grade crossing on Montpelier & Wells River railroad in the Town of Plainfield, Vt.

Docket Entries :

June 30th, 1902, petition filed; July 2nd, 1902, copy of petition sent to selectmen of Plainfield. July 3rd, 1902, copy of petition sent to M. & W. R. R. R. August 11th, 1902, notice of hearing at Plainfield. August 19th, 1902, hearing at Plainfield, Vt.

Present: All commissioners.

John H. Senter, for petitioners.

J. P. Lamson, for M. & W. R. R. R.

F. L. Laird, for town of Plainfield.

Premises inspected. Eleven witnesses examined.

November 18th, 1902, hearing at Montpelier.

Present: Commissioners and clerk.

John H. Senter, for petitioners.

H. C. Shurtleff, for M. & W. R. R. R.

F. L. Laird, for town of Plainfield.

One witness examined.

November 25th, 1902. Report and opinion issued.

REPORT AND OPINION.

In this cause the board, having heard the parties and inspected the premises, on consideration adjudge that the highway grade crossing in question is a dangerous one, but that the public travel over it is not sufficient to warrant at this time the expense necessary for the construction of an under-pass.

The commissioners are of the opinion that the situation would be relieved by the construction of a new highway from a point near the Dix house across to the Barre road.

The prayer of the petition is denied and the petition is dismissed.

JONATHAN ROSS,
J. M. BOUTWELL,
H. S. BINGHAM,
Railroad Commissioners.

Montpelier, Vt., November 25th, 1902.

PETITION OF RUTLAND STREET RAILWAY COMPANY.

Subject: Location of Tracks at Center Rutland.

Docket Entries:

August 23rd, 1902, petition filed; September 10th, 1902, hearing at Rutland; October 1st, 1902, amended petition filed; October 13th, 1902, order issued; the appearances are noted in the opinion.

PETITION.

To the Honorable Railroad Commissioners of the State of Vermont:

Your petitioner, the Rutland street railway company, respectfully represents that it desires to locate its railroad track along the highway from a point near the old Shedd store, so called, at Center Rutland on the northerly side of the travelled track of the highway westerly to and across Otter Creek on the northerly side of the covered highway bridge to connect with its present track near the crossing of the highway by the Clarendon & Pittsford railroad, and to make certain changes in its present track along the line of the highway at the places aforeside, and

that it has failed to agree with the selectmen of the town of Rutland, in which said highway is located, as to the location and manner of construction of its tracks at that point; and also in respect to the kind of a bridge across Otter Creek at that point; that W. W. Wilkins, A. J. Russell and J. E. Pond are selectmen of the town of Rutland, and that Roger Riley is the owner of real estate abutting the highway, and that P. C. Hulihan as administrator of the estate of _____ is interested in real estate abutting the highway on the northerly side thereof, and that the Vermont marble company is the owner of land abutting said highway on the southerly side thereof.

Wherefore, your petitioner prays that the railroad commissioners after giving due notice to the parties and fixing a time for hearing, will examine the premises, hear the parties interested and decide the questions presented to them in respect thereto.

Dated at the city of Rutland, this 21st day of August, A. D., 1902.

RUTLAND STREET RAILWAY COMPANY,

By Butler & Moloney, its Attorneys.

AMENDED PETITION.

And now comes the petitioner, the Rutland street railway company, by leave of the commissioners first had and obtained, and having furnished the abutting land owners with a copy hereof, amends its petition for the location of the tracks of said street railway company from a point near the Proctor road, so called, near the Shedd store, to near where the Clarendon & Pittsford railroad company's track crosses the highway known as West street, by adding thereto the following:

Your petitioner further shows that it is necessary in order to properly locate and construct its railroad between said point near the Proctor road near the Shedd store on West street, and the point where the Clarendon & Pittsford railroad crosses said West street to take the small strip of land and premises of one Roger Riley, fronting on West street, so called, as indicated by an amended plan before said commission, and that it has failed to acquire said small strip of land by purchase or otherwise.

Wherefore, your petitioner further prays that the board of commissioners will ascertain and determine the necessity of tak-

ing said small strip of land from the premises of said Roger Riley, and also to assess the damages which the said Roger Riley may suffer by reason thereof, according to the statute in such case made and provided.

RUTLAND STREET RAILWAY COMPANY.

By F. M. Butler, its Attorney.

REPORT AND OPINION.

BE IT REMEMBERED, that on the 23d day of August, A. D., 1902, the Rutland street railway company presented to the board of railroad commissioners its petition in writing therein setting forth in substance that it desires to locate and construct its railroad track along the northerly side of the highway from the Shedd store, so called, in Center Rutland, westerly across Otter Creek to a point near the Clarendon & Pittsford railroad crossing, and that it has failed to agree with the selectmen of the town of Rutland as to the location and manner of construction of such railway; and praying that the board examine the premises, hear the parties and decide the question presented; as by the petition on file will more fully and at large appear.

And due service of the petition having been made on the 28th day of September, A. D., 1902, by delivering copies thereof to the selectmen of the town of Rutland, to P. C. Hulihan, Roger Riley, and E. R. Morse, clerk of the Vermont marble company, thereafter a session of the board of railroad commissioners was held at the city of Rutland on the 10th day of September, A. D., 1902.

And at said session of the board the Rutland street railway company appeared by its general manager, David Fox, Jr., and by its attorney, F. M. Butler, and W. W. Wilkins, A. J. Russell and J. E. Pond, selectmen of the town of Rutland, appeared in person, and P. C. Hulihan administrator of the McNara estate, and Roger Riley appeared in person and by their attorney Joel C. Baker.

And thereupon the board inspected the premises and heard the evidence presented by the parties.

And thereafter, to wit, on the first day of October, A. D., 1902, the Rutland street railway company presented to the board an amendment to its petition, therein setting forth in substance that in order to properly locate and construct its railway track according to the prayer of the original petition it is necessary to

cross the land and premises of one Roger Riley and that it has failed to acquire such land by purchase or otherwise; and praying that the board determine the necessity for taking such land and appraise the damages; as by the amended petition on file will more fully and at large appear.

And service of such amended petition was duly accepted in writing and further hearing thereon waived, by Joel C. Baker, attorney for the said Roger Riley, on September 27th, 1902.

And thereupon the board of railroad commissioners, on consideration, doth adjudge:

That the land of the said Roger Riley, sought to be taken by the Rutland street railway company for the purpose of the location of its tracks, is necessary for the business of the company and for the proper construction and location of its railway, which said land is situated in the town of Rutland in the county of Rutland and state of Vermont and is described as follows:

All that parcel of land belonging to Roger Riley, south of a line parallel to and thirty (30) feet northerly of the north side of the present wooden highway bridge over Otter Creek, and extending eighteen (18) feet easterly from the line of the face of the present east highway bridge abutment and westerly to the west line of Riley's land. Also all and any land belonging to Roger Riley south of a line parallel to and ten (10) feet southerly from said Riley's present dwelling house.

And the board of railroad commissioners doth appraise the above described land of Roger Riley at two hundred dollars and awards to him, the said Roger Riley, such said sum of two hundred dollars for all and every damage to him resulting from the taking of the above described land by the Rutland street railway company for the purpose as aforesaid, and for the construction and location of the tracks of the Rutland street railway company.

And it is adjudged that when the Rutland street railway company shall have paid or tendered to the said Roger Riley the sum of two hundred dollars as aforesaid, and shall have caused the survey and decision of this board and the receipt or certificate of such payment to be recorded in the town clerk's office in the town of Rutland, then the Rutland street railway company may enter upon, use and occupy the above described land of the said Roger Riley for the purpose aforesaid, as is provided by act No. 218 of the laws of 1896.

And it is further considered and adjudged that the Rutland street railway company may locate and construct a single track railway within the limits of the town of Rutland as follows :

Beginning at a point in its track, as now located, at a point near Shedd store, so called, thence northwesterly about one hundred feet, thence on a curve with a radius of 200 feet to a point near the Rutland railroad crossing, and so located that the center of the track shall be 15.8 feet from the southeast, and 21.6 feet from the northwest corners respectively of the brick store on the corner of the Proctor road, and 9.5 feet from the eastern face of the northerly abutment of the Rutland railroad under-pass; thence westerly along the northerly side of the highway and so located that the center of the track shall be as follows with respect to the five houses now standing on the northerly side of the highway; 23.2 feet from the southeast and 23.9 feet from the southwest corners respectively of the first house west of the Rutland railroad track; 27 feet from the southeast and 26.5 feet from the southwest corners respectively of the second house west of the Rutland railroad track; 25.6 feet from the southeast corner of the third house; 19.6 feet from the southeast and 20.3 feet from the southwest corners respectively of the Miss Dolan or fourth house west of the Rutland railroad track; 20.4 feet from the southeast and 20.7 feet from the southwest corners respectively of the house of Roger Riley; thence westerly on the above described land of Roger Riley to the bank of the Otter Creek, beginning at a point in the highway where the center line of the above described track extending in a straight line westerly first touches the bounds of the highway west of the Otter Creek, thence westerly within the highway by a straight line and curve, with a radius of 300 feet, to a point in the center of the track as now located near the eastern abutment of the Clarendon & Pittsford railroad under-pass.

All of the said track to be so located as to conform to the grade of the highway.

The above described location being substantially in accordance with the blue-print plans of such location of the Rutland street railway company which are on file in the office of the clerk of the board and which may be referred to for a more complete description.

And it is further adjudged that all of the above described

track of the Rutland street railway company shall be located subject to the approval and further orders of this board.

Dated at Montpelier, in the county of Washington and state of Vermont, this 13th day of October, A. D., 1902.

JONATHAN ROSS,

H. S. BINGHAM.

Board of Railroad Commissioners.

PETITION OF THE CITIZENS OF MIDDLEBURY.

Subject : Flagman at Seymour Street in the Village of Middlebury.

Docket Entries :

October 8th, 1902, petition filed. October 11th, 1902, petition acknowledged and copy sent Rutland railroad. October 30th, 1902, notice of hearing at Middlebury sent Rutland railroad and petitioners. November 6th, 1902, hearing at Middlebury.

Present : Commissioners Ross and Bingham and clerk.
Geo. T. Jarvis, General Manager,
Fred'k H. Button, Atty., for Rutland railroad.
A. A. Fletcher, for petitioners.

Premises inspected. Parties heard.

November 25th, 1902, order issued.

PETITION.

To Honorable Board of Railroad Commissioners of Vermont :

The undersigned, residing in the village of Middlebury, and vicinity, respectfully urge upon you the necessity for the maintenance of a flagman at the point where the line of the Rutland railroad crosses the public highway known as Seymour street, in the village of Middlebury.

The crossing above referred to is a blind crossing and the presence of a flagman is imperatively needed for the protection of both railroad and highway traffic.

Several times within a week past there have been narrow escapes from what promised to be fatal accidents, and we respectfully urge upon you the advisability of providing suitable protection for the passers by before loss of life occurs.

A. A. FLETCHER,
and 120 Others.

ORDER.

Application having been made to this board under the provisions of Sec. 3851 of the Vermont statutes for a flagman to be stationed at the grade crossing of the Rutland railroad at Seymour street in the village of Middlebury, the board on due notice to all parties inspected the premises and heard the parties, on November 6th, 1902, and thereupon it is hereby ordered :

That the Rutland railroad company shall erect and maintain an electric signal at the highway grade crossing at Seymour street in the village of Middlebury, Vt. Said electric signal shall consist of a gong or bell of not less than twelve inches in diameter, to be located at a suitable point near the crossing, and to be operated by and electrically controlled by closed circuit track-circuit relay and so equipped that the bell shall be automatically sounded when trains approaching from the south are at a distance of one hundred rods south of the crossing, and when trains approaching from the north are at a point just south of the southern water-crane near the depot. Said bell shall be so equipped that it will be sounded so long as a train is on the main line track approaching the crossing between the two points above mentioned.

The Rutland railroad company shall also erect in connection with such signal a conspicuous sign on which shall be the words, "CROSSING DANGEROUS WHEN THIS BELL RINGS."

The Rutland railroad company shall cause the signal above ordered to be tested each morning and afternoon by some competent employee. Said test shall be made by putting a wire across the rails each side of the crossing. Should the bell fail to ring or ring continuously, notice shall be sent at once to the superintendent of the company, and until such signal is repaired a section-man or other employee shall be stationed at the crossing to act as flagman.

And it is ordered that such signal shall be constructed and put in operation to the approval of the board of railroad commissioners before January 1st, 1903.

Dated at Montpelier, Vt., this 25th of November, A. D., 1902.

JONATHAN ROSS,
J. M. BOUTWELL,
H. S. BINGHAM,

Railroad Commissioners.

PETITION OF CITIZENS OF BELLOWS FALLS.

Subject: Approach to Depot at Bellows Falls.

Docket Entries:

November 1st, 1902, petition filed; November 12th 1902, hearing.

PETITION.

*To Jonathan Ross, H. S. Bingham and James M. Boutwell,
Railroad Commissioners of the State of Vermont :*

The undersigned residents of Bellows Falls, county of Windham and state of Vermont, represent that the approach to the railroad station at said Bellows Falls which is most accessible and most used by the public is across five tracks of the Vermont Valley railroad of 1871, which said railroad is, under some arrangement to us unknown, managed by the Boston & Maine railroad, that the land where said approach and said tracks are situated is owned by the Rutland railroad, that said land is used for said tracks under some arrangement between said railroads, that the approach to said crossing is dangerous and unfit for the purposes for which it is used, that it is obscured by buildings and in other ways, and that the public is not suitably protected or accommodated by said crossing.

Wherefore your petitioners pray that you will take this matter into consideration and appoint a time and place for hearing the parties and examining said approach or crossing and that you will recommend or order that said crossing shall be changed from a grade crossing to an under-pass or a bridge or in such way as will afford the public relief from the danger and annoyance that exist under the present conditions, if the same to you shall seem just and reasonable.

J. C. DAY,
and eight others.

This petition was heard and disposed of with the petition of other citizens of Bellows Falls relating to the erection of a new passenger station at Bellows Falls, the disposition of which appears elsewhere in this report.

PETITION OF CITIZENS OF BELLOWS FALLS.

Subject: New Passenger Station.

Docket Entries:

October 14th, 1902, petition filed and acknowledged; October 16th, 1902, copies of petition sent Boston & Maine and Rutland railroads; November 1st, 1902, hearing called for November 12th, 1902, at Bellows Falls; November 12th, 1902, hearing at Bellows Falls; November 12th, 1902, answer of Rutland railroad filed; November 25, 1902, report and opinion issued.

H. D. Ryder and J. H. Williams, for petitioners; F. H. Button for Rutland railroad; Geo. A. Weston for Boston & Maine and Vermont Valley railroads.

PETITION.

*To Jonathan Ross, H. S. Bingham and James M. Boutwell,
Railroad Commissioners of the State of Vermont:*

The undersigned residents of Bellows Falls, county of Windham and state of Vermont, show and represent that the railroad passenger station at said Bellows Falls is owned and used by the Rutland railroad company, that said railroad station is likewise used as a passenger station by the Boston & Maine railroad in the operation of other railroads managed by said Boston & Maine railroad running into and from said Bellows Falls, by virtue of some arrangement made with said Rutland railroad company. That the railroads so managed by the Boston & Maine and so leading into said Bellows Falls are as follows: The Vermont Valley railroad leading from Brattleboro in said county to said Bellows Falls from the south, the Fitchburg railroad also leading from the south to said Bellows Falls and the Sullivan county railroad leading north from said Bellows Falls to Windsor, Vermont, forming a junction with the Central Vermont railroad. That said railroads from the south connect with other roads leading to Boston and New York. That said passenger station is an old building, constructed without any modern conveniences for the traveling public.

Wherefore your petitioners pray that you will take this matter into consideration and appoint a time and place for hearing the parties and examining said station and will recommend or order that said station shall be so changed, altered or repaired

as will afford to the traveling public relief from the present existing annoyances set forth, if the same to you may seem just and reasonable.

N. G. WILLIAMS,
and fourteen others.

ANSWER OF RUTLAND RAILROAD COMPANY.

The Rutland railroad company makes answer to petition in the above matter and says :

First: That it admits that said station is used as set forth in said petition.

Second: The Rutland railroad company alleges that it owns the land upon which said station stands but that said station is owned jointly by it, the Rutland railroad company, the Fitchburg railroad company and the Vermont Valley railroad company, each of said companies owning one undivided third interest in said building.

Third: That an arrangement is now in progress for readjusting the ownership in said building between said parties.

Fourth: That in accordance with such arrangement it is proposed to remodel said station in accordance with the plans hereto attached and of this answer made a part and when so remodeled said station will be adequate and substantial to the needs of the public at Bellows Falls.

RUTLAND RAILROAD COMPANY,
By George T. Jarvis, General Manager.

Dated at Rutland this 12th day of November 1902.

REPORT AND OPINION.

In re two petitions of the citizens of Bellows Falls, Vermont, in regard to the station at that place and in regard to the crossing leading thereto.

The petitions were heard at Bellows Falls, Vermont on November 12th and 13th, 1902, by the full board. All the parties were present and represented. Witnesses were examined and the premises inspected.

The following facts were conceded or found by the board :

The station at Bellows Falls is on land owned by the Rutland railroad company. It was erected and is owned jointly by the Rutland railroad, the Vermont Valley railroad, and the Fitchburg railroad. The last two with the Sullivan County rail-

road are now operated by the Boston & Maine railroad. When the station was built the village of Bellows Falls had about seven hundred inhabitants. It has now about five thousand, and is gaining rapidly. The freight business has increased in a much greater proportion than have the inhabitants. The freight houses of both the Rutland railroad and the Vermont Valley railroad are wholly inadequate to accommodate the business. In consequence considerable of the freight is loaded and unloaded directly from the cars. This necessitates the reservation of considerable room between the tracks that might otherwise be used for tracks, to store cars, do shifting and make up trains on.

Bellows Falls has the best water power in the state and it is reasonable to expect that it will increase largely both in population and in freight business. At the present time considerable of the freight business has to be done across the river at North Walpole. The station and tracks are on the island and the room for the accommodation of the business is very limited.

The station is wholly inadequate to accommodate the business centering there. The railroad companies have under consideration plans for changes in the inside and repairs on the outside of the present building in order to better accommodate the business. The closets are in an unsanitary condition and have been for a long time. The inadequate and unhealthy condition of the station has been frequently called to the attention of the railroad companies by the present and by former boards. The passengers from the village and most of the freight reaches the station and freight houses and cars by crossing the canal west of the station and passing over five tracks used by the Vermont Valley railroad. There is a question whether this crossing is a laid out and established highway. There is no record of its being laid out. Some evidence was introduced to show that it had been controlled and repaired by the village authorities for a good many years. This crossing is a very blind and dangerous one, and especially when trains come from the south through the tunnel and around the curve past the Vermont Valley freight-house. The ground is also low and muddy.

The petitioners say that they do not wish to have the station repaired as proposed, claiming that it would be inadequate, and if not at present, in the near future. They do not ask for an over-head bridge to the station. The distance from the bridge to the station is too short to give the proper elevation. The petitioners ask that the station be moved to a point west of the

Vermont Valley railroad tracks and southwest of the Rutland railroad tracks. The board has no jurisdiction to order a change in the location of the station. Such a change would eliminate the dangerous crossing so far as passengers are concerned.

The railroad companies prefer to eliminate the crossing by having it discontinued and thus compel the freight and passengers to go round by the old Island House, a distance of twenty-two rods further and over quite steep grades. The board has no power or jurisdiction to order or recommend this crossing closed and to force the passengers and freight to follow the route indicated.

No careful surveys of the grounds available for railroad purposes nor a careful study of the possibilities of the situation, nor of how it could be arranged so as to furnish the most room and conveniences for the business and eliminate the most of the dangers, has been made by the petitioners nor the railroad companies.

The board has not sufficient information, if it should be given jurisdiction, of all the elements which may enter into a proper adjustment of the present large and growing business, or of the situation, to make any order or recommendation further than to recommend that the railroad companies at once put the station in a good sanitary condition.

The board does not recommend that the railroad companies make the proposed repairs or that the station be rebuilt further than to put and maintain it in a good sanitary condition. It does recommend that the petitioners and the railroad companies join in having a careful survey made of the whole situation available for the accommodation of the passenger and freight business, both present and prospective, in order that no mistake be made.

It has occurred to the board that by moving and enlarging the freight station so as to reach them from the road passing east from the Windham House over the canal, some if not considerable room for tracks might be secured and a way opened to solve the difficulties of the situation.

The board does not dismiss the petitions nor make any disposition of them. It leaves them pending for the coming board to dispose of in its wisdom.

JONATHAN ROSS,
J. M. BOUTWELL,
H. S. BINGHAM,

Railroad Commissioners.

Montpelier, Vt., November 26th, 1902.

PETITION OF CITY COUNCIL OF CITY OF ST. ALBANS.

Subject: Track construction of St. Albans Street Railway.

Docket entries:

October 15th, 1902, petition filed and acknowledged; October 16th, 1902, copy sent St. Albans street railway company; November 1st, 1902, notice of hearing for November 11, 1902, to interested parties; November 25th, 1902, report and opinion issued.

C. W. Witters for petitioners; A. A. Hall for petitionee.

PETITION.

To the Honorable Board of Railroad Commissioners :

Gentlemen :—I am directed by the city council of this city to petition your honorable body to name a date when you can come to St. Albans to look into the condition the St. Albans street railway company have left their tracks in.

It is positively dangerous to travel in a vehicle on the main street of this city owing to the railway company refusing to do the necessary grading between and each side of their rail, and we pray you to set an early date when you can meet with us in inspecting their tracks.

Sincerely yours,

W. E. POWERS,
Mayor.

REPORT AND OPINION.

The petitioner, the city of St. Albans, complains that the tracks of the St. Albans street railway in the city streets are not constructed and maintained by the railway company in such a manner as to leave the streets safe for the passage of teams.

The St. Albans street railway company was chartered by act No. 140 of the laws of 1892. This charter was amended by act No. 178, laws of 1898, and by act No. 156, laws of 1900. The provisions of the charter relating to the construction and maintenance of the track within the limits of streets and highways are found in Sec. 2-3 of act No. 178, laws of 1898, which contain the following :

“Said railway shall conform as nearly as possible to the

grades which now are or hereafter may be established for such streets and highways, and that the tracks shall be so located as not unnecessarily to interfere with the travel thereon.

"Said company shall so grade the surface of the streets, highways, and cross walks within and adjacent to its tracks that persons and vehicles can conveniently cross or turn off from the same."

The track of the company was constructed on Lake street during the spring and summer of 1901. Construction work was commenced upon the main street track in the summer of 1901 and the line was opened for operation on July 1st, 1902.

The commissioners inspected the premises and heard the evidence. No testimony was offered on the part of the petitioner.

The company complied with Sec. 3935, 3936, 3937 of the Vermont statutes and the track was constructed under a written agreement under the provisions of Sec. 3937, V. S., which is dated February 18th, 1901. Under this agreement the track was to be finished on or before November 1st, 1902.

This agreement provides as follows in relation to track construction:

"The surface and alignment to be in accordance with grade and line of streets as near as practicable; and the road-bed of said railroad track between the rails and for a distance of two feet on either side of the rails shall be graded evenly with the grade of the streets and with the same material as the streets adjacent to said tracks is graded.

"The said company under the direction, supervision and approval of the city council shall reconstruct the space between its rails and for two feet outside of each rail to conform to the construction of any part of any of the streets and crossings occupied by said company, and at all times so long as it shall use said streets for railroad purposes keep in permanent repair that portion of the streets between its rails and the space in said streets two feet wide outside the rails of its tracks, constructing and maintaining said portion of said streets so to be maintained by said company of the same material which the city shall use in the construction and maintenance of the road-bed contiguous thereto, and in the same manner employed by the city."

Under the agreement above mentioned and under the direction of the then mayor and aldermen of the city the company constructed its tracks, and except in a few places graded the track in accordance with the provisions of its charter and the

said agreement. In a few places the grading was not completed because the city officers were unable to supply the crushed stone used in the work and because the city did not grade the remainder of the street to the level established by the city council for the construction of the railway track.

At the time that this work was done it was the intention of the city council to repair the streets and construct a permanent road way. To carry out this plan the street grade was established by the city council and the track was placed at this grade. In some places the street was to be raised and in others cut down.

Under the direction of the city council the company filled the space between the rails and for a distance of about two feet on each side with the crushed stone which was to be used in the street work. The work was not fully completed in some places for the reason above stated.

An inspection of the streets and track complained of shows that Main street is now in such a condition as to be dangerous to the traveling public. The track is so high for a distance of forty rods or more that teams cannot cross it without danger. In many places the street is much below the established grade. The work of the city has not been done and by reason of this the material placed in position by the railway company has been scattered and moved by the action of travel and surface water.

It is unreasonable to demand that the railway company shall supply and keep in place the material necessary to grade the street adjacent to its tracks so long as the city officers permit the remainder of the street to remain below the established grade. And if the street adjacent to the track was so graded it would not wholly eliminate the danger.

Sec. 3937, V. S., provides for an application to this board when the parties fail to agree. In this case as above noted an agreement was entered into between the city and the railway company. This section therefore gives the board no special power in the case. The only other authority granted to this board is under section 3982, which by the amendments gives the board general supervision of the electric railway.

The commissioners recommend that the St. Albans street railway company grade the surface of the streets within and adjacent to its tracks as soon as this work is rendered possible by the action of the city of St. Albans in bringing the remainder of the streets to the established grade.

Sec. 7 of the charter of the railway company as found in Sec. 3, act No. 178, laws of 1898 provides :

"If said company shall fail at any time to repair its tracks and the highway or street within and adjacent to the same, as above required, for the space of ten days after notice from the selectmen of the town, the mayor or aldermen of the city or the trustees of the village wherein such road is located, then such selectmen, mayor or aldermen or trustees may make such repairs as are required, and the town, city or village, as the case may be, may collect the expense thereof from said company."

This furnishes the city council with a proper and sufficient remedy for any failure of the railway company to construct and maintain its track.

With this remedy provided and in view of the fact that this board has no authority to make recommendations in regard to the general condition of the streets of the city of St. Albans nor any authority to close a dangerous street, the commissioners are of the opinion that any further action on their part is not warranted at this time.

JONATHAN ROSS, *
J. M. BOUTWELL,
H. S. BINGHAM,

Railroad Commissioners.

Montpelier, Vt., November, 25th, 1902.

PETITIONS OF B. SOUTO & CO., AND CENTRAL VERMONT
RAILWAY COMPANY.

*Subject: Construction of Railroad Track across Highway
at Grade.*

Docket Entries :

October 22, 1902, petition filed; October 13, 1902,
premises inspected; October 28, 1902, order issued.

PETITION.

To the Honorable Railroad Commissioners of Vermont :

The undersigned respectfully petition your board for the location of a railroad crossing from the main track of the Central Vermont railway company in Brattleboro across the highway

leading from Vernon to Brattleboro to the lands of B. Souto and company in Brattleboro, Vt., said lands being now a part of the John Hunt farm.

B. SOUTO & COMPANY.

CENTRAL VERMONT RAILWAY COMPANY,

By E. H. Fitzhugh, V. P. and Gen'l Mgr.

REPORT AND ORDER.

Application having been made to this board by the Central Vermont railway company and B. Souto and company for permission to construct a railroad side-track at grade across a highway in the town of Brattleboro, and the consent of the selectmen of the town of Brattleboro having been given in writing, the board of railroad commissioners having inspected the premises hereby grants unto the Central Vermont railway company permission to construct, to the approval of this board, a single track railroad siding at grade across the highway leading from Brattleboro to Vernon, and at a point where said side-track shall connect the land of B. Souto and company with the main line of the Central Vermont railway.

Dated at Montpelier in the county of Washington and state of Vermont this 28th day of October A. D. 1902.

JONATHAN ROSS,

JAS. M. BOUTWELL,

H. S. BINGHAM,

Board of Railroad Commissioners.

PETITION OF CITIZENS OF MONTPELIER.

Subject: Train Service at Montpelier.

Docket Entries:

November 15th, 1902, petition filed; November 18th, 1902, hearing.

Present: Commissioners Ross, Bingham and clerk.

C. W. Witters for Central Vermont railway company.

PETITION.

*To Jonathan Ross, James M. Boutwell, H. S. Bingham,
Board of Railroad Commissioners for Vermont:*

The undersigned citizens of the city of Montpelier respectfully complain that the service of the Central Vermont railroad at the station in said Montpelier and at Montpelier Junction is seriously defective and inadequate; that the same is inconvenient and does not meet the requirements of the traveling public in the following particulars:

1. That trains are allowed to stand at the station for long periods extending over and across Taylor street thereby impeding travel.

2. That trains are stopped in such a manner that the loading of baggage interferes with the passengers in passing from the station to the cars.

3. That passengers on out-going trains are required to change cars before arriving at Montpelier Junction thus allowing one or more cars to be cut off, instead of taking the passengers to the platform at said Montpelier Junction and doing the switching afterwards.

And we respectfully petition that your honorable board take such necessary action in the premises as will ensure the convenience and safety of the traveling public.

HARLAN W. KEMP.
and 36 others.

Montpelier, Vt., November 15th, 1902.

The officers of the defendant company, through C. W. Witters attorney, reported at the hearing that the faults complained of in the petition was being corrected by the defendant company and the hearing was thereupon continued and held open by agreement of the parties. No further complaint having been made to the commissioners an order was not considered necessary.

PETITION OF RUTLAND STREET RAILWAY COMPANY.

Subject: Application for Condemnation of Land for Power Plant.

Docket Entries:

June 30th, 1902, petition filed; July 17th, 1902, hearing at Rutland; hearing continued to July 24th, 1902; hearing continued to July 31st, 1902.

Present; The commissioners and clerk.

F. M. Butler for petitioners.

Joel C. Baker for various land owners.

Hiram J. Huntoon, pro se.

PETITION.

To Jonathan Ross, H. S. Bingham and James M. Boutwell, Railroad Commissioners of the State of Vermont:

Your petitioner, the Rutland street railway company, a corporation duly organized and existing under and by virtue of the laws of the state of Vermont, respectfully represents:

That it desires to extend and construct its railway through the towns of West Rutland, Ira, Castleton and Fair Haven, Vermont, and has begun such construction, and proposes to operate its railway over said newly constructed portion with electric power and expects that said road will be used for the purposes of both freight and passenger traffic; and it also desires to build, construct and operate a power plant to furnish the necessary motive power to operate said road and to keep said road and its equipment in suitable repair, and also to contract with persons for that purpose:

That said company has failed to acquire by gift or purchase said real estate and rights of way as said business requires; that in order to establish said plant, it is necessary to construct a certain power house for the necessary machinery at Mendon, and also to construct and build a certain tube or penstock through which to carry the water from its dam in Pittsford, over and through the lands of Charles Pike, George J. Sargent in the town of Rutland, and through the lands of divers other persons to said power house; and that it is also necessary in order to establish said plant and utilize the dam in connection therewith, to flow with water certain lands situated in the towns of Pittsford and

Chittenden and owned by the following persons: Charles H. Pike of Mendon, George J. Sargent of Mendon, William C. Davis of Rutland, Mahlon D. Pike of Mendon, H. K. Wing of Malden, Mass., Frank H. Baird and William E. Sargent of Chittenden, Eugene W. Chaffee of Pittsford, Zeb Liberty of Chittenden and Hiram J. Huntoon of Chittenden, the right to flow which has not yet been acquired by said railway company, by gift or purchase, and your petitioner is unable to obtain the same for the purposes of its plant:

That in the lands above mentioned standing in the name of H. K. Wing, your petitioner is advised that Henry J. Perry and Elsie L. Perry of Chittenden have a certain life estate; that Henry J. Perry is dead and the estate, so far as he is concerned, has ceased and terminated, but that one Rufus K. Baird of Chittenden claims some interest in said premises by way of mortgage, and your petitioner is advised that the Marble savings bank of Rutland appears to be also interested in a certain portion of the premises herein mentioned as belonging to Eugene W. Chaffee.

Your petitioner also avers, that the land of said Charles H. Pike, George J. Sargent, William C. Davis, Mahlon Pike and H. K. Wing are situated in both towns of Chittenden and Pittsford, and the lands of said Frank Baird, William E. Sargent and Eugene W. Chaffee are situate wholly in the town of Pittsford, and the lands of Zeb Liberty and H. J. Huntoon are situate in the town of Chittenden.

And your petitioner avers that the stream of water to be utilized for power purposes is of such a character, becoming extremely low in summer, that a large dam for the storage of water for said power plant is necessary for the purposes of your petitioner in furnishing adequate power to operate its railway in accordance with its plans and purposes, and within the limitation of its charter.

Wherefore, your petitioner prays that the railroad commissioners of this state hear the parties in interest and adjudge whether the taking of said real estate is necessary for the construction of said plant or plants, and if found to be necessary, they shall appraise the land, real estate and right of way required and award the costs of hearing as shall be deemed just; and that they also fix a time and place when they will examine the premises and hear the parties interested, and that said commissioners will give due notice of said hearing and the time and place there-

of as shall be deemed necessary and proper, fixing such hearing as early as practicable, in accordance with the authority vested in them by Act 218 of the Laws of 1896, and that such orders shall also state how the parties interested shall be notified.

That your petitioner has caused surveys of said property to be made and will furnish a copy thereof to the parties aforesaid of the land in which they are interested respectively.

RUTLAND STREET RAILWAY COMPANY,

By David Fox, Jr., General Manager.

Dated at the city of Rutland, this 27th day of June, A. D. 1902.

PETITION OF RUTLAND STREET RAILWAY COMPANY.

Subject: Application for Condemnation for Land for Railway Extension.

Docket Entries:

July 4th, 1902, petition filed; July 17th, 1902, hearing at Rutland; hearing continued to July 18th, 1902, at Castleton; July 18th, 1902, hearing at Castleton; August 5th, 1902, decision, appraisal and awards issued.

Present: Commissioners and clerk.
F. M. Butler, for petitioners.
W. H. Preston, for various land owners.

PETITION.

Railroad Commissioners of the State of Vermont:

Your petitioner, the Rutland street railway company, a corporation duly organized and existing under and by virtue of the laws of the state of Vermont, desires to extend and construct its railway from the line between the towns of Ira and Castleton, westerly through the towns of Castleton and Fair Haven, Vt., and that it has failed to acquire by gift or purchase said real estate or rights of way as its business requires in the towns aforesaid, and that it desires to enter upon the lands of C. D. Wescott, R. H. Walker, Mrs. E. D. Humphrey, Mrs. D. K. Graves of Fair Haven, also lands of Mrs. Minna McLennan, John Brough, C. H. Ransom, A. L. Ransom, John Hayes, Alice A.

Ellis, of Castleton, town of Castleton, H. H. Dyer and A. N. Adams, mortgagees or otherwise interested, and lands of the Vermont marble company of Proctor, all said lands being situate along the line of the proposed extension of said railway in the towns of Castleton and Fair Haven, and for that purpose your petitioner has caused the same to be surveyed and a copy thereof to be furnished to the owners or agents of the real estate and lands through which it desires to extend and construct its railway in the towns aforesaid, and it desires to take the land necessary for that purpose.

Wherefore, your petitioner prays that the honorable railroad commissioners of this state hear the parties interested and adjudge whether the taking of said real estate is necessary for the construction of said railway, and if found to be necessary for the construction of said railway, that they shall appraise the land, real estate and right of way required, and award the cost of hearing as shall be deemed just; and that they also fix a time and place when they will examine the premises and hear the parties interested, and that said commissioners give due notice of said hearing and the time and place thereof as shall be deemed necessary and proper, fixing said hearing as early as practicable, in accordance with the authority vested in them by Act 218 of the Laws of 1896, and that such order shall also state how the parties interested shall be notified.

RUTLAND STREET RAILWAY CO.,

By David Fox, Jr., General Manager.

Dated at the city of Rutland this 3rd day of July, A. D., 1902.

REPORT.

A full record of the proceedings upon the two petitions last above recited, with a list of the property condemned and the appraisal thereof and the decision, appraisal and awards of the commissioners to the various land owners whose lands were taken for the location of the power plant and the extension of the railway of the Rutland street railway company, may be found in the office of the commissioners at Montpelier. The same have also been recorded in the offices of the town clerks of the towns of Fair Haven, Pittsford, Chittenden, Castleton, Ira and West Rutland. The papers are very lengthy and it is not deemed important to record them here.

APPLICATION FOR APPROVAL OF DESIGN OF WARNING
BOARDS.

On December 11th, 1902, the Canadian Pacific railway company applied to the commissioners for their approval of a standard warning board for grade crossings which had been adopted by said company, and thereupon the following approval was issued :

REPORT OF APPROVAL.

Application having been made to the board of railroad commissioners of the state of Vermont by the Canadian Pacific railway company for the approval of a design of warning boards for use at highway grade crossings on the lines of the Canadian Pacific railway company in the state of Vermont, and it appearing that boards so constructed will furnish a conspicuous notice and warning to travelers approaching the railroad crossings, it is ordered :

That the design for warning boards attached to and made a part of this order, is hereby approved in accordance with Sec. 3848 of the Vermont Statutes.

FULLER C. SMITH,
H. S. BINGHAM,
HORACE W. BAILEY,

Board of Railroad Commissioners.

Dated at Montpelier, Vt., this 19th day of December, A. D., 1902.

PETITION OF MANCHESTER, DORSET AND GRANVILLE RAIL-
ROAD COMPANY.

Subject: Application to Construct Railroad across Highway at Grade.

Docket Entries:

January 3d, 1903, petition filed; January 15th, 1903, hearing at Manchester; January 20th, 1903, order issued; January 24th, 1903, petition for modification of order filed; February 10th, 1903, modification of order issued.

O. M. Barber and F. C. Archibald for petitioner.

James K. Batchelder and Joseph W. Fowler for citizens of Manchester.

PETITION.

To the Honorable Board of Railroad Commissioners within and for the State of Vermont:

Your petitioner, the Manchester, Dorset and Granville railroad company, respectfully represents that it is a corporation duly organized under the laws of the state of Vermont for the purpose of constructing a railroad in the towns of Manchester, Dorset, Rupert and Pawlet in the state of Vermont; that in the proper construction of its road the said corporation finds and believes it to be necessary to cross in the town of Manchester, at grade, five public streets and highways.

Your petitioner, therefore prays your honorable board to appoint some suitable time as soon as may be at which it will inspect the premises, hear the evidence of the parties interested and grant to your petitioner permission to cross said highways.

MANCHESTER, DORSET & GRANVILLE RAILROAD COMPANY.

By O. M. Barber, its Attorney.

Dated at Manchester, Vt., this 3rd day of January, 1903.

ORDER.

The petition asks for the establishment at grade of seven crossings over highways in the town of Manchester. The Manchester, Dorset and Granville railroad company was organized under the general laws of Vermont in July, 1902. In the town of Dorset and five miles from the village of Manchester Depot are located extensive marble quarries, the product of which is brought to a finishing mill located at Manchester Depot. It appeared from all the testimony that the new railroad now in process of construction is a most important enterprise in the development of the quarries, and the business interests of both the town of Dorset and the village of Manchester Depot. The only practicable entrance to this village is through a gulf or ravine in the northeasterly part of the village, passing at some point across Harrison avenue, Elm and Depot streets and the river road, so called, or across Harrison avenue, old Main and Depot streets and the river road. Owing to the contour of the ground, an under pass or an over-head crossing at any of these streets is impracticable and the necessity of a crossing at grade at some point is clearly established.

The first survey of the line filed with the town clerk for record, and hereinafter called the "abandoned location," followed a southwesterly course after leaving the ravine and crossed Harrison avenue about midway of the proposed new location and old Main street, thence across old Main street just north of the intersection of Elm street, thence across the lands of one Hollister to and across Depot street and continuing over the lands of said Hollister to the Battenkill river; thence across the Battenkill river and over the lands of the Norcross-West marble company to a junction with the Rutland railroad westerly of the mill of the said Norcross-West marble company. This route was, in November or December, 1902, abandoned by the Manchester, Dorset and Granville railroad company for the reason that the line would, for a considerable distance, pass over low, marshy ground, a portion of which, at certain seasons of the year, is overflowed by the waters of the Battenkill, and while the building of a railroad on this route is not impracticable, the expense would be largely increased.

A new location was therefore made leaving the ravine at the same point as contemplated in the abandoned location and continuing on a tangent across Harrison avenue, Elm street, Depot street and across the Battenkill, just east of the highway bridge, thence curving sharply to the east and again crossing the Battenkill just north of the present bridge of the Rutland railroad company and forming a junction with the latter road on the northerly side of the passenger station at Manchester depot. A switch track gives access to the mill across the river road.

In order to accomplish this route the Manchester, Dorset and Granville railroad company acquired at an expense exceeding \$5,000 three dwelling houses and several parcels of land on the river road, Depot street, Elm street and Harrison avenue, the deeds of which were executed on December 15th, 29th and 30th, 1902, and January 1st, 2nd and 6th, 1903. The petition was dated January 3rd, 1903.

An inspection of the new location and the evidence before the commissioners showed that the proposed crossings on Elm and Depot streets will be unusually blind and hazardous. Dwelling houses are located in close proximity to the proposed track and quite close to the street itself. These streets are closely built up and the intervening open spaces offer scant opportunity for noting the approach of a train. The section through which the proposed line is to pass is the best residential portion of the village.

The traffic over both these streets is considerable and includes the major portion tributary to the depot on the line of the Rutland railroad, serving the villages of Manchester Centre and Manchester street and considerable parts of the rural communities in the towns of Manchester and Dorset.

The approaches to the crossings on old Main and Depot streets along the line of the abandoned location are much more open and a view of an approaching train from the south and west is entirely clear for a long distance. To the north and east the view is scarcely less open if the line should be made to cross old Main street within thirty feet of the southerly abutment of the bridge or culvert next north of the intersection of Elm street. From the approaches to such a crossing a train can be seen to the north and east as soon as it leaves the ravine and for a distance of eight or nine hundred feet, and equally well from a crossing on Depot street located near the line of crossing in the abandoned location. This location will eliminate the Elm street crossing and substitute therefor the more open crossing on old Main street; it will establish a crossing over Depot street in an uninhabited portion of the village, eliminate entirely the crossing of the branch highway leading from Depot street to the river road, and establish the crossing over the river road at substantially the same point as prayed for in the petition.

Under the provisions of the statute requiring the consent of the commissioners before a highway is crossed by a railroad, as defined by section 3840, V. S., no power or authority is given the board to define any other route or course upon which said railroad may be built, or to say at what other points, if any, the proposed road may cross even the same streets or highways. The only power delegated to the board by the statute is to determine whether the crossing proposed is necessary. The commissioners are constrained to say that the proposed crossings of Harrison avenue, Elm and Depot streets and the river road in the village of Manchester Depot are not necessary and to refuse consent thereto.

The building of the road over the course herein suggested, substantially along the abandoned location, will entail additional expense but, in the opinion of the board, is entirely feasible. If the line should pass just westerly of the barns of Mr. Hollister, and across the Battenkill river at right angles, thence curving to the west and to the east of the Norcross-West mill, and forming a junction with the Rutland railroad at the passenger depot,

the expense of construction will not be materially more than along the proposed new location. The additional length will be about 450 to 500 feet and the route, in the opinion of the board, is entirely feasible from an engineering point of view.

Such a solution of the difficulty will necessitate the abandonment of the right of way already purchased and paid for by the Manchester, Dorset and Granville railroad company, but the duty of the board in determining the necessity of the crossing cannot be lost sight of in the consideration of an item of dollars and cents. The establishment of grade crossings over highways is always to be deprecated. Only where the most urgent reasons exist can excuse be found for adding more to the already large number within the state. Railroad corporations and municipalities are frequently being burdened with a tax to abolish such crossings, either voluntarily or upon the direction of this board. Under the most careful operation of trains, the danger to the traveling public is constant, and the peril obvious. The suggestion to permit the crossing at grade in the village of Manchester Depot, as prayed for in the petition, conditioned upon the operation of trains at a speed not exceeding four miles an hour, and with a flagman running in front of the engine until these crossings are passed, does not meet with the approval of the board. Such orders will inevitably and frequently be violated, notwithstanding the best of intentions to observe them. The best possible protection to the traveller at a grade crossing is the unimpeded use of his senses of sight and hearing. To compose him into a sense of false security by the use of a warning that may sometime fail him is manifestly unwise.

The license given the Manchester, Dorset and Granville railroad company by the selectmen of the town of Manchester, by which said crossings were permitted, and upon which said company relied in good faith in negotiating for its right of way, cannot affect the conclusion of the board. It can avail the petitioner nothing that it acted in consonance with its supposed rights, and upon the advice of counsel. The law is plain and unequivocal. The board has carefully considered the items of expense to the petitioner as bearing upon the necessity of the crossings, and concludes that the increased cost is not prohibitive and is a far less burden upon the petitioner than these crossings would be to the public, if established.

Permission to establish crossings on Harrison avenue, Elm and Depot streets, and the river road, on the line of the new loca-

tion is therefore denied. If a new location is made along the route herein suggested by the commissioners, and substantially along the abandoned location, grade crossings may be established on Harrison avenue, old Main and Depot streets, and the river road, provided that the crossing on old Main street shall be at a point not more than thirty feet southerly of the bridge or culvert next north of the intersection of Elm street.

Permission is granted the Manchester, Dorset and Granville railroad company to establish at grade, crossings over the so-called Jameson Flats road, at station 51, on the present location of said railroad over the cross road where it passes through the land of Bert Richardson, and at station 126 on the present location of said railroad, and at station 145+50 on the present location of said railroad over the back road where it passes between lands of E. B. Taylor, and E. B. Thompson. In the establishment of these crossings, said Manchester, Dorset and Granville railroad company shall leave said highways and the approaches to said crossings in as good condition and repair as they were previous to the making of said crossings, and to the satisfaction of the selectmen of said town of Manchester, or to this board.

Done at Burlington this 20th day of January, 1903.

FULLER C. SMITH,
H. S. BINGHAM,
HORACE W. BAILEY,
Railroad Commissioners.

APPLICATION FOR MODIFICATION OF ORDER.

On January 23d, 1903, the petitioner, by O. M. Barber, its attorney, made application to the commissioners for a modification of the above order setting forth that to locate said railroad across old Main street at the point described in the above order will make a much worse grade crossing than will be made if the petitioner is permitted to cross with its railroad at a point of about 60 to 70 feet from the culvert mentioned in said order, instead of within 30 feet therefrom.

The petitioner sets forth in said application that to cross at the point limited in the order will result in throwing the road so far to the north that in order to construct it on a curve that is feasible to operate, and so that the river may be bridged at sub-

stantially right angles at a point westerly from the Norcross mill, the curve in the track must begin at some point at a little to the easterly or north-easterly of the proposed grade crossing on old Main street; this will necessitate the laying of the crossing upon a curve.

Thereupon the commissioners reviewed the order dated January 20th, 1903, and no objection being raised by counsel for the citizens of Manchester to such change in the location of said crossing, the following modification of the order was issued.

MODIFICATION OF ORDER.

The petitioner having made application to the board for a modification of its order relating to the establishment of crossings at grade over certain highways in the town of Manchester and referring particularly to that portion of the order permitting the petitioner to locate a grade crossing over old Main street, so called, if located within thirty feet of the southerly abutment of the culvert or bridge on old Main street next northerly of the intersection of Elm and old Main streets, the commissioners referred the application to the counsel for citizens of the town of Manchester.

The modification asked for is that said grade crossing on old Main street may be located within sixty feet of the southerly abutment of said culvert or bridge, instead of within thirty feet as set forth in said order.

No objection being raised by counsel for citizens of Manchester to such modification of the order and it appearing that the view of an approaching train from either direction will in no considerable respect be affected by such changed location, permission is hereby granted the Manchester, Dorset and Granville railroad company to establish the grade crossing on old Main street at a point where the center line of its track is not more than sixty feet from the southerly abutment of said culvert or bridge on old Main street, said company to observe in all other matters the provisions of said original order in respect to said crossing.

Done at St. Albans this 2nd day of February, 1903.

FULLER C. SMITH,

H. S. BINGHAM,

HORACE W. BAILEY,

Railroad Commissioners.

PETITION OF BOSTON & MAINE RAILROAD.

Subject: Dangerous Highway Grade Crossing in the Village of Newport.

Docket Entries:

January 26th, 1903, petition filed; February 27th, 1903, hearing at Newport; March 11th, 1903, order issued.

Young and Young appeared for the Boston & Maine railroad. F. C. Williams and J. W. Redmond for the town and village of Newport.

PETITION.

To Fuller C. Smith, H. S. Bingham and Horace W. Bailey, Railroad Commissioners:

The petition of the Boston & Maine railroad, a corporation duly organized and doing business under and by virtue of the laws of Massachusetts, and the Connecticut and Passumpsic rivers railroad company, a corporation organized and existing under and by virtue of the laws of Vermont, respectfully represents to your honorable board:

That the petitioner, the Connecticut and Passumpsic rivers railroad company, owns, and the petitioner, the Boston & Maine railroad, under and by virtue of a lease for the term of ninety-nine years from the first day of January, 1887, is in possession of and operating, a railroad through the town of Newport in the county of Orleans and state of Vermont.

That there is in the village of Newport, in the town of Newport aforesaid, a highway grade crossing over said railroad, near and a little south of the passenger depot in said village.

That at the place where said highway crosses said railroad there are five railroad tracks, the westerly track being a side track used and operated by the Canadian Pacific railway company, the track next easterly being the main line track used by the last named railroad under a traffic contract with your petitioners, the next easterly being the main line track used by the Boston & Maine railroad, and the easterly two tracks being side tracks used by the Boston & Maine railroad.

That your petitioners have built a new passenger station during the past season substantially on the site where the passenger station has been maintained since said railroads have been

constructed, a little north of said highway crossing, and located between the westerly two tracks and said easterly three tracks.

That there have been maintained at said crossing for several years last past, gates to protect the public at said highway crossing.

Your petitioners represent that it is necessary for the convenience and accommodation of the public in going to and from said passenger station that the highway crossing and said gates be removed a reasonable distance south of the present location, and the farther south said crossing and gates are removed, the more room will be given at the south of said station and the better accommodated and convened will be the public in going to and from said passenger station.

That your petitioners own the land both northerly and southerly of said highway, on the easterly and on the westerly side of said railroad tracks, as well as under said highway, subject to the easement of the public thereon for said highway.

That your petitioners have been in negotiation with the selectmen of the town of Newport seeking to secure an agreement with the selectmen of the town of Newport as to the location of said crossing, the width or space that should be devoted to said highway crossing, and the distance apart that the machinery to operate said gates at said crossing should be placed. But your petitioners, have entirely failed to secure an agreement with said selectmen that shall be binding upon their successors in office or upon the town of Newport, in reference to the matters above mentioned.

Wherefore your petitioners pray that your honorable board will fix a time and place for hearing the matter, giving notice of the time and place so fixed to said town of Newport, and after examining the premises and hearing whatever evidence may be offered by either party, that you will order and direct as to the exact location of said highway crossing, the width of highway crossing that shall be constructed over said railroad tracks, the length of gates that shall be erected and where said gates shall be located.

BOSTON & MAINE RAILROAD,

By H. E. Folsom, Supt.

CONNECTICUT & PASSUMPSIC RIVERS RAILROAD COMPANY,

By Amos Barnes, President.

PETITION OF TOWN OF NEWPORT.

Subject: Dangerous Highway Grade Crossing in the Village of Newport.

Docket entries:

February 27th, 1903, petition filed; February 27th, 1903, notice of hearing waived by Boston & Maine railroad; February 27th, 1903, hearing at Newport; March 11th, 1903, report and order issued.

Young and Young for Boston & Maine railroad.

F. C. Williams and J. W. Redmond for the town and village of Newport.

PETITION.

To Fuller C. Smith, H. S. Bingham, and Horace W. Bailey, Railroad Commissioners for the State of Vermont:

The town of Newport, a municipal corporation organized under the laws of the state of Vermont, and in the county of Orleans in said state, brings this its petition, and respectfully represents to your honorable board:

That in said town of Newport is the village of Newport, Vt.; that through said village of Newport there runs a railroad which is leased, operated, and controlled by the Boston & Maine railroad, a corporation organized under the laws of the state of Massachusetts; that said village of Newport is a large railroad center, where there is a passenger and freight station and a large number of acres of real estate all devoted to railroad purposes and all under the control and management of said Boston & Maine railroad company; that said village of Newport is situated upon a peninsula jutting into lake Memphremagog; that at the lower end of said peninsula said railroad crosses at grade a public highway in said town of Newport, which is also the main street of said village of Newport; that said railroad crossing is the only means of approach to said village of Newport and said town of Newport from the territory on the opposite side of said lake, and consequently the amount of travel across said railroad crossing, both by foot and by team, is enormous; that said Boston & Maine railroad is now, and for a great many years past, has been in full operation and control of said railroad in said village and of all the railroad business done over and across said crossing; that the manner in which said Boston & Maine railroad has

during all this time operated its said road, and conducted its business across and over said crossing, and the manner in which it is now operating and conducting the same, is such, and has been during all said time such, as to render said crossing unnecessarily and unreasonably dangerous for public travel across said crossing, and such as to unnecessarily and unreasonably interfere with and inconvenience public travel across the same; that this state of things is brought about, and during all said time has been brought about, by said Boston & Maine railroad company in operating its said road at this point, by crossing said crossing with its engines and cars in shifting and otherwise, to an unreasonable and unnecessary extent, and by allowing said crossing to be blocked, and the travel across the same impeded, by engines and cars standing across said crossing, or very near thereto, an unreasonable, unconscionable, and unnecessary length of time.

Your petitioners further aver that the passenger station, of said railroad station, which was located very near said crossing, was recently consumed by fire, and a new passenger station has been erected upon substantially the same spot; that after said passenger station was burned a movement was made by the inhabitants of said town and village of Newport to have the new passenger station erected at some point sufficiently removed from said crossing so as to avoid the danger from the same in approaching said passenger station, and also so that said crossing itself might be less dangerous to public travel in not having the trains approaching said passenger station stand so near said crossing; that at a public meeting held by said inhabitants at the court house in said Newport, certain officers of said Boston & Maine railroad company were present, and after stating that said corporation contemplated erecting said new passenger station on substantially the place occupied by the old one, gave said inhabitants at said meeting to understand that it was the intention of said corporation, in connection with the building of said new passenger station, to extend the platform thereof northerly toward and across the "short bridge," so-called, and to do a large amount of the shifting then done, and hitherto done north of said crossing, (which necessitated the frequent crossing said highway crossing with engines and cars), in what is called the south yard at said station, which change would do away with all unnecessary crossing said highway crossing with engines and cars.

And your petitioner avers that many of the leading citizens

of said town, relying upon said representations, and believing them to have been made in good faith, ceased from all efforts to have the new passenger station located at a place different from where the old one was located.

And your petitioner avers that in building the new passenger station, said Boston & Maine railroad company not only have not extended the platform of said station north toward and across said "short bridge," as aforesaid, but they have made no change in the place of doing their shifting, and no change in the degree of danger to travel to the public across said highway crossing, which is hereinbefore described.

Not only that, but said Boston & Maine railroad company has brought a petition to your honorable board, which is now pending before you, which practically seeks to make this highway crossing, which is now laid out four rods wide, only three and one-half rods wide.

Wherefore your petitioner prays that your honorable board will fix a time and place for hearing the grievances herein set forth, giving notice of said time and place to said Boston & Maine railroad company, and that, if it seem proper to your honorable board, this petition be heard at the same time with the said petition of the Boston & Maine railroad company now pending before you, as aforesaid ;

And that after a full hearing in this matter, your honorable board make such orders in the premises, with respect to the safety of said crossing for public travel, and the shifting across the same, and the unreasonable obstruction of the same, as to your honorable board shall seem meet and proper for the protection of the public.

TOWN OF NEWPORT, VT.,

*by Homer Thrasher, N. S. Rogers, S. H. Holbrook,
Selectmen of the Town of Newport.*

The above two petitions were, by agreement, heard together and the disposition of both is set forth in the following report.

REPORT AND ORDER.

The Boston & Maine railroad preferred its petition asking the commissioners to locate the gates of the company protecting the crossing situated just south of the passenger station in the village of Newport.

The selectmen of the town of Newport also preferred their

petition asking that the commissioners regulate the shifting of engines and cars over said crossing by the Boston & Maine railroad in the interest of safety to the travelling public. The petitions were heard together.

The evidence disclosed the fact that the Boston & Maine railroad had attempted to agree with the selectmen on the location of the gates and had substantially made a verbal agreement locating said gates at a point just within the limits of the highway on both sides of said crossing. A written agreement with plan attached had been prepared and submitted to one of the selectmen for their signatures but he had declined to sign the same for reasons which he fully stated.

The land on the northerly and southerly side of said crossing is owned by the Boston & Maine railroad. It was shown that the travel over this crossing by the inhabitants of Newport, Derby and neighboring towns is very frequent and increasing in volume. It also appeared that the traffic across the highway, incident to the operation of the Boston & Maine railroad and the making up of its freight and passenger trains, is frequent during all hours of the day and that this traffic has greatly increased during the past ten years.

This traffic is in some considerable measure due to the fact that beef trains arriving over the Canadian Pacific railway are shifted to the ice-house north of the passenger depot and on the line of the Boston & Maine railroad and that while said trains are being iced the cars are shunted back and forth in order to properly locate them in the train before proceeding south to Boston points. The evidence also tended to show that a considerable number of south-bound freight trains, other than beef trains, are made up in the north yard, notwithstanding the fact that orders had been given to make up such trains in the south yard located a half mile or more south of said crossing.

As a result of this use of the crossing it frequently happens that travellers upon the highway, both on foot and by team, are held up and impeded for from one to five minutes, and some of the witnesses for the selectmen testified to being delayed for longer periods of time and from seven to fifteen minutes. When these delays have occurred an accumulation of teams on either side of said crossing would result and when the gates were raised a general rush to get quickly across would fill the crossing and frequent narrow escapes from collision and sometimes actual mishap would follow as a natural consequence.

The crossing at present is planked a width of only 34 feet and the gates and the gatehouse are located several feet within the highway on the southerly side, thus narrowing up the travelled portion of the highway to about 34 feet.

It was claimed on the part of the selectmen that prior to the building of the new depot the Boston & Maine railroad gave the citizens of Newport and vicinity to understand that the ice-house would be moved to the south yard, that the switch track leading to it would be removed, and that a platform would be extended from the northerly end of the depot some 150 feet north so that the trains could discharge passengers, baggage and express without standing across said crossing and impeding public travel thereon. And that because of said understanding no objections were made to the location of the depot where it was built and if the shifting across said crossing was to be materially lessened then no objection could reasonably be made to the location of the gates and gatehouse within the limits of the highway.

The commissioners are of the opinion that no performance of this alleged agreement or understanding can be enforced by any order made by the board under either of the petitions. The ice house is the property of the Swift beef company and is located upon leased land and without the consent of the owner it cannot be removed.

The Boston & Maine railroad is unable to secure the consent of the owners to its removal.

In order to secure access to said ice house the switch track leading to it must be located substantially where it now is.

Such representations as were made to the citizens of Newport by the Boston & Maine railroad relating to the removal of the ice house and doing away with some portion of the shifting over said crossing were made in good faith, and the inability to obtain this desirable change is in no sense attributable to any lack of effort on the part of said Boston & Maine railroad.

The commissioners are of the opinion that the entire highway across said crossing within its legally established limits is necessary for the safety and convenience of the public, but the authorities of the town or village of Newport have permitted the approach to said crossing to be obstructed by the erection of telegraph, telephone or electric light poles and perhaps other impediments to public travel so that said highway cannot be utilized in its entire width of four roads as originally laid out.

These obstructions should be removed.

It is ordered that when the authorities of the town and village of Newport remove from the highway all obstructions thereon necessary to obtain an approach upon either side of said crossing of four rods in width, the Boston & Maine railroad shall, within sixty days thereafter, erect upon its own land and without the limits of said highway, gates for the protection of said crossing and shall maintain and operate the same at its own expense. Said gates shall be four in number, two on the north side and two on the south side of said crossing, with arms of sufficient length to extend each to the center line of said highway.

The gate house shall be located on the land of said Boston & Maine railroad on the southerly side of said crossing.

The Boston & Maine railroad shall plank or otherwise permanently construct and maintain said highway between said gates, flush with the tops of the rails and for a width of four rods.

It appearing that it is the intention of said Boston & Maine railroad, as soon as the weather permits, to extend the platform 150 feet north of its passenger depot, the commissioners do not deem it necessary to make any order respecting the same.

The board recommends that the Boston & Maine railroad reduce the shifting of cars over said crossing to such an extent as is consistent with the practicable operation of its trains; that the making up of south bound freight trains, other than beef trains, be done in the south yard whenever practicable.

If public travel over said crossing is impeded by freight trains standing thereon for a unreasonable length of time a complete remedy is afforded by the statute relating to such abuses.

See V. S., Secs. 3853 and 3854. A few applications of that remedy will undoubtedly do away with any cause for complaint.

This board is not established for the prosecution of violations of the criminal laws of the state, but it may not be inopportune to suggest that the Boston & Maine railroad, by its proper officer, instruct its employees to comply with the requirements of the laws of this state respecting the disconnecting of cars and the opening of said crossing to public travel at all times when freight trains stop thereon.

FULLER C. SMITH,
H. S. BINGHAM,
HORACE W. BAILEY,

Railroad Commissioners.

TRAIN CONNECTIONS BETWEEN CENTRAL VERMONT RAILWAY COMPANY AND RUTLAND RAILROAD COMPANY AT BURLINGTON.

Docket Entries:

February 10th, 1903, notice of hearing; February 24th, 1903, hearing at Burlington; March 11th, 1903, continued hearing at Burlington.

H. H. Powers and F. H. Button appeared for the Rutland railroad company.

C. W. Witters for the Central Vermont railway company.

Wilder L. Burnap for the public.

The action resulting in this hearing was taken at the primary instance of the commissioners and the following notice was sent to Mr. E. H. Fitzhugh, vice president and general manager of the Central Vermont railway company, and to George T. Jarvis, general manager of the Rutland railroad company:

BENNINGTON, VT., Feb. 10th, 1903.

DEAR SIR:—

The commissioners are desirous of ascertaining if it be not practicable to secure a connection between the passenger trains of the Central Vermont railway company and those of the Rutland railroad company at Burlington. It is believed that the public is being seriously discommoded at that point by the time tables now in force on both roads. In order to determine whether or not some other adjustment is feasible the board of railroad commissioners will hold a public hearing and investigation at the Van Ness House on Tuesday, February 24th, 1903, at 2 o'clock in the afternoon, and this shall be your notice thereof. The commissioners desire at that time to interrogate some representative of your passenger department relative to time schedules at connecting points other than Burlington.

Very truly yours,

H. S. BINGHAM,

Clerk.

At the conclusion of the hearing in this case and before any order was issued the Central Vermont railway company and the Rutland railroad company came to an agreement whereby the connections between the passenger trains asked for by the commissioners were assured and the convenience of the travelling

public in the future guaranteed so far as was practicable. Since that time the commissioners have received no complaint from any source relative to lack of reasonable train connections at that point and improved facilities have been willingly afforded by both roads.

PETITION OF MANCHESTER, DORSET & GRANVILLE RAILROAD COMPANY.

Subject: Highway Grade Crossings in the Town of Dorset.

Docket Entries:

Jan. 10th, 1903, petition filed; Jan. 15th, 1903, hearing at Dorset quarries; Feb. 2nd. 1903, order and report issued.

O. M. Barber appeared for the petitioner and the town of Dorset was represented by selectmen Sherman Nichols and A. L. Bowen.

PETITION.

To the Honorable Board of Railroad Commissioners within and for the State of Vermont.

Your petitioner, the Manchester, Dorset & Granville railroad company, respectfully represents that it is a corporation duly organized under the laws of the state of Vermont for the purpose of constructing a railroad in the towns of Manchester, Dorset, Rupert and Pawlet in the state of Vermont; that in the proper construction of its said road the said corporation finds and believes it to be necessary to cross in the town of Dorset at grade, in one or two places, certain highways between the quarries of the Norcross-West marble company and the south line of the town of Dorset.

Your petitioner therefore prays your honorable board to appoint some suitable time, as soon as may be, at which it will inspect the premises, hear the evidence of the parties interested and grant to your petitioner permission to cross said highways.

Dated at Manchester, this 10th day of January, 1903.

MANCHESTER, DORSET & GRANVILLE RAILROAD CO.

by O. M. Barber, Atty.

REPORT.

An inspection of the location of the proposed crossings disclosed the fact that to require the crossings to be constructed under or over the tracks of the petitioner would be to entail upon the petitioner an expense almost prohibitive of the enterprise. The location of both crossings is such that an open view of an approaching train can be had by a traveller on the highway. No objection to the establishment of these crossings was raised by the selectmen or in behalf of any citizen of the town of Dorset and the commissioners are satisfied that the operation of trains across said highways at the points proposed will not be attended by any unusual danger.

Permission is therefore granted the Manchester, Dorset and Granville railroad company to establish a highway crossing at grade in the town of Dorset at the junction of the East Dorset and Manchester roads between the lands of West and Devoe and James Cody and also to establish in said town of Dorset a highway grade crossing for a spur track near the old stone house, situated on the land of the Norcross-West marble company.

The Manchester, Dorset and Granville railroad company in establishing said two highway grade crossings shall so grade the highways on either side of said crossings as to leave the approach thereto smooth and easy of travel, and to the satisfaction of the selectmen of said town of Dorset and of this board.

Done at St. Albans, Vt., this 2nd day of February, 1903.

FULLER C. SMITH,

H. S. BINGHAM,

HORACE W. BAILEY,

Railroad Commissioners.

PETITION OF CITIZENS OF BELLOWS FALLS.

Subject: New Passenger Station.

Docket Entries:

March 13th, 1903, petition filed; March 31st, 1903, hearing at Bellows Falls; April 5th, 1903, other interested parties cited to appear; April 28th, hearing at Bellows Falls; May 19th, hearing at Bellows Falls; May 28th, report and order issued.

PETITION.

To the Railroad Commissioners of the State of Vermont:

We, the undersigned residents and tax-payers of Bellows Falls, in the county of Windham and state of Vermont, respectfully represent to your honorable board that the depot or station house in said Bellows Falls, owned by the Rutland railroad and the Boston & Maine railroad representing certain railroads leased to said Boston & Maine railroad, is not suitable for the purposes for which it is intended, that it is unsanitary, inconvenient and insufficient and that a change of location thereof is necessary, reasonable and expedient to promote the security, convenience and accommodation of the public.

We, therefore, respectfully petition your honorable board to take such action in the premises as is appropriate under Sec. 3989, et seq., as amended, and we especially request that said railroads be ordered to establish a proper depot or station house for passengers to the west of the present tracks of said Boston & Maine railroad at some convenient point between said tracks and the canal.

J. C. DAY,
and 23 others.

PROPOSITION OF ADJUSTMENT.

The Boston & Maine railroad, acting for the Fitchburg, and the Vermont Valley railroad, for itself, claims that on account of the lack of title in said corporations, or either of them, in the land where it is proposed by the petitioners that the railroad commissioners shall order a station erected at Bellows Falls, whether on the site indicated on plan A or on the present site, no order can be made compelling them or either of them to bear any part of the expense of a new construction, and they do not consent to bear any such expense.

They do, however, jointly and severally submit the following proposition to meet the just requirements of the petitioners, without waiving any of their legal rights, but for the purpose solely of providing the public with suitable accommodations at Bellows Falls, and adequate facilities consistent with the demands of the railroad passengers and freight traffic present and future, and adapted to a prudent and just administration of their resources available therefor. They will join with the Rutland railroad in

the construction of a station at Bellows Falls, using therefor all of the material of the present building which is suitable and can be so used, the building to be on the site of the present structure, and the interior to be so remodelled as to be in every respect, convenient, attractive, modern, and fitted with all necessary and modern sanitary convenience for men and women, and all to be ample for the accommodation of the present demands of the public, and the probable growth thereof.

The design of the interior to be prescribed by the order of the railroad commissioners, and the plans to be prepared by them according to their judgment of what will be required to meet this proposition.

And to continue same improvement by the removal of the Wilson building, widening the planking in the highway crossings of the several tracks, and the extension of the platforms as indicated by the testimony of Mr. Jarvis and Mr. Folsom. The expenses hereof to be borne by the Rutland railroad; the Boston & Maine railroad for the Fitchburg; and the Vermont Valley railroad in equal proportion, each one-third, and the entire improvement to be completed by such time as the railroad commissioners shall by their order limit.

BOSTON & MAINE RAILROAD.

The foregoing proposition is accepted by the Rutland railroad company.

H. HENRY POWERS,

Attorney for Rutland R. R. Co. hereto duly authorized.

REPORT AND ORDER.

In the matter of the petition of citizens of Bellows Falls praying for a new passenger station to be erected on a new location and to be used jointly by the Rutland, Vermont Valley and Boston & Maine railroads.

This matter came on for hearing March 31st and April 1st and 2nd, and again on April 29th and 30th, and on May 19th, 1903. The petitioners were represented by H. D. Ryder and C. H. Williams; the Rutland railroad company was represented by H. H. Powers; John Young appeared for the Boston & Maine railroad; W. B. C. Stickney for the Vermont Valley

railroad company; George A. Weston for the Bellows Falls and Saxton's River electric railroad company and F. A. Bolles and Z. H. Allbee for the Bellows Falls canal company.

The petition asks for an order directing the Rutland and Boston & Maine railroad companies to establish a proper passenger depot to the west of the present tracks of the Boston & Maine railroad and between said tracks and the canal. At an adjourned hearing, it appearing that the Bellows Falls & Saxton's River electric railroad company and the Vermont Valley railroad company and the Bellows Falls canal company should be made petitioners, they were cited to appear and did appear by counsel as above set forth.

At the hearing on April 30th the Boston & Maine railroad and the Vermont Valley railroad company submitted a proposition looking to an amicable adjustment of the entire matter in issue; this proposition was submitted in writing and filed with the board and was intended to be a memoranda of specifications in accordance with the terms of which the Boston & Maine railroad and the Vermont Valley railroad company would join with the Rutland railroad company in the improvements of the present passenger station on its now location, together with its surroundings and approaches. The Rutland railroad company accepted this proposition and agreed to join in the making of said improvements as set forth in the memoranda and the petitioners thereupon took the matter under advisement until May 19th, 1903.

On the last named day the petitioners agreed to accept the proposition above referred to and to be content with the repairs, improvements and enlargement of the present passenger station on its present site with the improved facilities and approaches enumerated in the memoranda filed with the board.

It is thereupon ordered that the acceptance by the petitioners of the offer of the Boston & Maine, Vermont Valley and Rutland railroad companies, as contained in the memoranda filed with the commissioners April 30th, 1903, be and the same is hereby confirmed by the board and that the improvements set forth in said memoranda be made and completed by said Boston & Maine railroad, Vermont Valley railroad company and Rutland railroad company in accordance with the terms thereof and on or before the first day of January, 1904.

It is further ordered that the interior arrangements and furnishings of said reconstructed passenger station be made in accordance with the plans submitted to the commissioners and

marked "Petitionees' exhibit No. 2, H. S. B.," unless modified upon the application of either party to this board.

The memoranda of the petitionees filed with the board April 30th, 1903, is referred to and made a part hereof.

Done at Montpelier this 28th day of May, 1903.

FULLER C. SMITH,

H. S. BINGHAM,

HORACE W. BAILEY,

Railroad Commissioners.

PETITION OF SELECTMEN OF BRIGHTON.

Subject: Abolishment of Grade Crossings and Erection of Over-pass and New Passenger Station.

Docket Entries:

March 31st, 1903, petition filed; April 3rd, 1903, hearing at Island Pond; August 8th, 1903, hearing at Island Pond; September 8th, 1903, order and report issued; March 24th, 1904, extension of time granted:

Present all the commissioners. Appearances are noted in the report.

PETITION.

To the Honorable Board of Railroad Commissioners for the State of Vermont.

Your petitioners, the selectmen of the town of Brighton, in the county of Essex and state of Vermont, respectfully represent that public safety requires an alteration in certain highways crossed at grade by the railroad of the Atlantic and Saint Lawrence railway company now leased to the Grand Trunk railway company of Canada, all of which said highway crossings are located in the village of Island Pond in the town of Brighton as follows, namely: The highway crossing known as the Reeve's crossing, being the crossing next west of the Grand Trunk passenger depot as now located:

The Main street crossing situated next east of the Grand Trunk passenger station as now located:

The highway crossing known as the Adam Danforth crossing situated next east of the crossing last above mentioned:

The highway crossing known as the Peter Richford crossing situated next east of the crossing last above mentioned :

Your petitioners further say, in regard to the alteration of highway which crosses the railroad at the Reeve's crossing, that public safety requires that said crossing be abolished, that a new foot bridge for the travel of foot passengers be constructed by the said railway company at some point between the Reeve's crossing above mentioned and Cross street in the village of Island Pond, and that carriage and team travel be diverted from said Reeve's crossing to the carriage bridge to be constructed by said railway company as hereinafter prayed for.

And your petitioners further say that public safety requires, in order to avoid the other three grade crossings above mentioned, that the highways crossing the track at these places be altered ; that a bridge for carriages and foot passengers be constructed by said railway company extending from Main street in the said village of Island Pond to the street which runs in front of the Stewart house in said village, and that said highway which crosses the railroad track at the three places last above mentioned be altered so as to pass over said bridge thence to Back street, so called, in said village, thence around the northerly shore of Back pond, so called to a point of connection with the old county road.

Wherefore your petitioners pray that, after a notice and hearing as required by law, you will order such alterations in said highways as you may deem best and determine and direct by whom such alteration shall be made, at whose expense, and at what time.

Dated at said Brighton, this 30th day of March, 1903.

M. B. LADD,

B. W. FARMER,

JOHN W. THURSTON,

Selectmen of Brighton.

REPORT AND ORDER.

In the matter of the petition of M. B. Ladd, B. W. Farmer and John W. Thurston, selectmen of the town of Brighton, relating to the abolishment of four grade crossings over the tracks of the Grand Trunk railway company of Canada in the village of Island Pond, and the erection of an over-pass in lieu thereof.

This petition was filed March 31st, 1903 and hearings thereon were held at Island Pond April 7th, July 7th and August 7th, 1903. The Grand Trunk railway of Canada was represented by its solicitor, L. L. Hight, and the town of Brighton by its selectmen and Porter H. Dale and H. B. Amey; Edmund Sullivan appeared for Jas. O'Keefe, an adjoining land owner. All the adjoining land owners were notified of the hearing and none appeared except as above stated.

The petition sets forth that public safety requires an alteration in certain highways crossed at grade by the railroad of the Atlantic and St. Lawrence railway company, now leased to the Grand Trunk railway company of Canada, and describes said crossings as follows: The Reeve's crossing, so called, located next west of the passenger depot; the Main street crossing, located next east of the passenger depot; the Adam Danforth crossing, next east of the crossing last above mentioned, and the Peter Richford crossing, next east of the crossing last above mentioned; that in order to effect the discontinuance of these crossings it is necessary that a new foot bridge for foot passengers be constructed at or near Cross street in the village of Island Pond, and that a bridge for carriages and foot passengers be constructed over the yard and tracks of said railway company from Main street in said village of Island Pond to the street in front of the Stewart house, and that a new highway be built around the northerly shore of Back pond, so called, from a point on South street opposite the property of C. M. Dyer to a point connecting with the old county road east of the Peter Richford crossing above referred to.

On the 13th day of April, 1903, and after a partial hearing upon this petition, the selectmen of the town of Brighton and the Grand Trunk railway company of Canada entered into an agreement in writing, signed by the parties thereto, in the words and figures following:

"Memorandum of agreement made this 13th day of April, 1903, by and between the town of Brighton and the Grand Trunk railway company of Canada,

Witnesseth:

"That whereas it is desirable that certain crossings of highways at grade over the railroad of the Grand Trunk railway company of Canada in said town of Brighton should be discontinued, and that in connection with such discontinuance, and to effect the same, a certain highway now running back of the

Grand Trunk round-house and along the shores of Island Pond should be altered and discontinued ;

“Now therefore, in order to effect said alterations, changes and discontinuances, and in consideration of the mutual promises herein contained, the parties hereto have mutually agreed, and do hereby mutually agree, to and with each other as follows :

“1. The said town of Brighton agrees that it will take all legal steps necessary, and do all things necessary, to effect a discontinuance of the highway grade crossing just east of the Grand Trunk depot in Island Pond village ; that it will also take such steps as are necessary, and will discontinue the grade crossing near the Grand Trunk round house, and will also discontinue and abolish the highway grade crossing next east of the crossing last mentioned over the Grand Trunk railway company’s railroad. And said town of Brighton further agrees that in order to effect said alteration and discontinuance of said grade crossings, it will discontinue the said highway which crosses the Grand Trunk railway company’s tracks at the place above mentioned, said discontinuance to commence at or near the crossing next east of the present depot ; thence extending by the Grand Trunk round-houses and over the Grand Trunk tracks through a small settlement of houses and along the shore of Island Pond to the crossing furthest east above mentioned, and beyond said crossing to the limits of the Grand Trunk railway company’s right of way ; all of the said highway between the extreme points above described to be discontinued, and said highway to be altered and re-located so as to run around the northeasterly side of Back pond, so called.

“And said town of Brighton, through its selectmen, promises and agrees, in consideration of the promises of the Grand Trunk railway company of Canada herein contained, to execute and deliver to the Grand Trunk railway company of Canada, a proper deed of the land covered by the highway crossings so discontinued, and of that part of the highway itself to be discontinued, as above described, or if said town of Brighton cannot properly execute a deed of said premises, then it agrees to execute and deliver to the Grand Trunk railway company of Canada a lease of the said premises so long as wood grows and water runs, said lease or deed to cover all adjoining and littoral rights, or rights in or to the shores of said pond that may be appurtenant to the premises so conveyed.

“2. Said Grand Trunk railway company of Canada, in

consideration of the discontinuance and alterations of said crossings and highway, and the deed and lease above mentioned, and in consideration of the promises of the town of Brighton herein contained, agrees to build at its own expense, a bridge for teams and foot passengers across the yard and tracks of the said Grand Trunk railway company of Canada, extending from the highway which runs in front of the Stewart house in Island Pond village, across the tracks and yard to the lowland where the stores, post-office and other buildings are situated, said bridge to consist of a carriage way twenty-four (24) feet wide and a foot walk on one side six (6) feet wide; the northeasterly end of said bridge to be located at some suitable and convenient point as near as practicable to the crossing now located next east of the Grand Trunk railway company's depot. In order to save the town of Brighton from land damages arising from the discontinuance of the crossings and highway as above provided the Grand Trunk railway company of Canada agrees to buy from Porter H. Dale and J. S. Sweeney, the properties located between the Grand Trunk railway company's tracks and Island Pond formerly owned by Adam Danforth, William Smith, G. E. Clarke, E. Aldrick, E. Lofgren, B. M. Applebee, A. Smith, Charles Streete, John Knight and S. D. Hobson, and by the people above named conveyed to said Dale and Sweeney; and in order that certain possible defects in title to said land now owned by said Dale and Sweeney and conveyed to them by the people above named, may be cured, said town of Brighton agrees to execute and deliver to the Grand Trunk railway company of Canada a perpetual lease of all the premises described.

"3. Said town of Brighton further agrees that it will discontinue and abolish the first highway grade crossing over the tracks of the Grand Trunk railway of Canada west of the depot at Island Pond, commonly known as Reeve's crossing; and the Grand Trunk railway company of Canada agrees, in consideration of the discontinuance and abolition of said crossing, to build, at a point to be agreed upon, at or near Cross street, a foot bridge eight (8) feet wide in the clear similar to the bridge formerly existing at said Cross street.

"4. The general intention of this agreement is, that it is hereby agreed between the said Grand Trunk railway company of Canada and the town of Brighton, that the town of Brighton shall take all steps legal and necessary on its part to discontinue and abolish the grade crossing known as the Reeve's crossing;

the grade crossing just east of the Island Pond depot ; the crossing near the round-house, and the crossing next east of the round-house crossing ; that the highway now passing near said round-house and along the shore of the pond to the crossing last above mentioned shall be discontinued and its location altered so that it will pass on the northeasterly side of said Back pond ; said crossings and the land covered by said discontinued highway to be deeded or perpetually leased to the Grand Trunk railway company of Canada ; the new highway back of the pond to be built without expense to the Grand Trunk railway company of Canada and the Grand Trunk railway company of Canada to build at its own expense, as part of said alteration and abolition of said crossings and highway, a bridge for carriages and foot passengers, and a foot bridge to take the place of the Reeve's crossing ; said carriage bridge and said foot bridge to take the place of all crossings or bridges which have heretofore existed or which now exist across the Grand Trunk railway company's yard and depot grounds at Island Pond between and including the Reeve's crossing and the most easterly crossing above mentioned.

"5. The carriage bridge and the foot bridge above mentioned shall be maintained and kept in repair by the Grand Trunk railway company of Canada and the approaches thereto shall be maintained and kept in repair by said town of Brighton so far and to such extent as the railroad commissioners may decide.

"6. The town of Brighton further agrees to apply to the railroad commissioners, or to such tribunals as may be necessary, in order to effect the discontinuance and abolition of said crossings and the discontinuance of said way, and to take any other action necessary to obtain binding decrees in accordance with the terms hereof.

"7. The work of building said bridges to be performed by the railroad company and the work of locating and constructing the roadways to be constructed by the town shall be completed within six months after the decrees of proper tribunals necessary in the premises have become finally established ; and immediately upon completion of said work to the satisfaction of the railroad commissioners, the old highway and the various crossings shall be discontinued and the leases and deeds hereinbefore provided for shall be delivered in all respects properly executed. The Reeve's crossing, so called, shall be closed and discontinued as soon as the foot bridge has been constructed.

"In witness whereof, the Grand Trunk railway company of

Canada has hereunto set its name by _____ duly
authorized; and the town of Brighton and the selectmen thereof
have hereunto set their names, this _____ day of _____ 1903."

On the 7th day of August, 1903, the petitioners, the select
men of the town of Brighton and the Grand Trunk railway com-
pany of Canada entered into another agreement, signed by the
parties thereto, in the words and figures following :

STATE OF VERMONT,
ESSEX COUNTY, ss.

Whereas a certain agreement has been entered into between
the town of Brighton and the Grand Trunk railway company of
Canada in regard to the discontinuance of certain highways and
grade crossings in said town of Brighton and the erection and
maintenance of certain overpasses or viaducts in said town and
whereas said town and railway company are unable to agree as
to who is to build the northerly approach of the viaduct for teams
and foot passengers, appearing upon a certain plan dated July
16th, 1903, and whereas certain plans and agreements have been
submitted to the railroad commissioners for the state of Ver-
mont for their decree: Now, therefore, it is mutually agreed
between said town of Brighton and said railway company :

(1) That the railroad commissioners of said state are to be
the sole judges of the meaning of said contract.

(2) The railroad commissioners are to decide all questions
in regard to the expense of building the northerly approach to
said viaduct.

(3) The plan of July 16th, 1903, is hereby made a part of
the contract between the said town of Brighton and the said
railway company.

(4) All other questions which may arise in relation to the
premises are hereby mutually submitted to the railroad com-
missioners.

THE TOWN OF BRIGHTON,

By M. B. Ladd, B. W. Farmer,

John W. Thurston, Selectmen.

THE GRAND TRUNK RAILWAY COMPANY,

By M. S. Blaiklock.

Dated at said Brighton, Aug. 7, 1903.

In consideration of the agreements hereinabove recited and
of the facts found upon the hearings before the commissioners,

it is ordered that the Grand Trunk railway company of Canada build and erect a bridge or over-pass across the tracks and yard of said company in the village of Island Pond, in the town of Brighton, said bridge or over-pass to be located at the point indicated on a certain plan filed with this board and marked "July 16, 1903," which said plan is referred to and made a part of this report for the purpose of more definitely locating the precise point where said bridge or over-pass shall be erected; said bridge or over-pass shall provide for a carriage way twenty-four (24) feet in clear width and a foot way on one side thereof six (6) feet in clear width and the lowest projection shall be at least twenty feet in clear height above the top of the rail in accordance with the statute in such case made and provided. The southerly approach to said bridge shall be built as indicated upon plan marked "July 16th, 1903," and shall be upon a grade of one foot rise in every fifteen and shall be properly protected by railings. The expense of such bridge or over-pass from the limits of the right of way of said Grand Trunk railway company of Canada on the northerly or northeasterly end of said bridge to the street level at the beginning of the approach on the southerly or southwesterly end of said bridge shall be borne wholly by said Grand Trunk railway company of Canada.

The town of Brighton shall lay out and construct a good and sufficient highway from a point on the old county road, so called, northeasterly of the Peter Richford crossing, around the northeasterly side of Back pond, so called, to a point of intersection with the present public road just northeasterly of the coal chutes of the Grand Trunk railway company of Canada; also another good and sufficient highway from a point on said public road northerly of the O'Keefe property, so called, and running southerly and southwesterly through the O'Keefe property and the property of C. M. Dyer to the northerly line of South street, so called, diagonally opposite the northerly end of said bridge or over-pass, all as indicated on a plan and survey filed by the selectmen of the town of Brighton on the 14th day of August 1903, and marked "plan and survey," which is referred to and made a part of this report and order for the purpose of definitely locating the last described portion of the new highway to be constructed by the town of Brighton. Said town of Brighton shall bear the whole of the expense of the construction of said described new highway including all the land damages, excepting the land damage awarded to C. M. Dyer.

The approach to the bridge or over-pass from the northerly end thereof to the northerly limit of South street where said new highway intersects South street as indicated on plan and survey filed August 14th, 1903, shall be upon a grade of one foot descent in every fifteen feet and at the northerly limit of South street shall meet the grade of the new highway hereinbefore provided to be built by and at the expense of said town of Brighton. This approach from the northerly end of the bridge or over-pass to the northerly limit of South street shall be built by the Grand Trunk railway company of Canada and the expense thereof shall be borne equally by said Grand Trunk railway company of Canada and the town of Brighton.

The selectmen of the town of Brighton shall forthwith take such legal measures as are necessary to condemn and appropriate to the use of the said town of Brighton for highway purposes so much of the land belonging to C. M. Dyer as is necessary for the new highway hereinabove described and as is indicated and laid out in the plan and survey filed August 14th, 1903, as above referred to. The damages finally awarded C. M. Dyer for the taking of said land for highway purposes shall be paid one hundred and fifty dollars by the Grand Trunk railway company of Canada and the balance by the town of Brighton; or if the award shall be less than three hundred dollars then each shall pay one-half.

The Grand Trunk railway company of Canada shall build and erect at its own expense, a foot bridge with adequate approaches thereto, over its tracks and yard at a point indicated on the plan marked "July 16th, 1903," where the Cross street crossing now is, said foot bridge to be eight (8) feet in clear width and similar to the one formerly existing at said Cross street.

The bridge and over-pass shall be completed and opened for public use by the Grand Trunk railway company of Canada within six months of the date of this order, unless this limit of time is extended upon application to and order of this board after notice and hearing.

The new highway to be constructed by the town of Brighton from the point on the old county road, so called, to the public road and from a point on the public road to the intersection of South street, as herein described, shall be completed and dedicated to public use within six months from the date of this order.

Upon the opening to public use of said bridge or over-pass and said new highway, the present highway leading from Railroad street, so called, across the tracks and yard

of the Grand Trunk railway company of Canada just easterly of the present passenger depot, thence northerly of the present engine house and in an easterly direction to a point a little northeasterly of the Peter Richford crossing, shall be closed and discontinued, together with that portion of the public road or highway leading from a point where the proposed new highway intersects the public road northeasterly of the present coal chutes to its present intersection with the highway last above described and ordered to be discontinued ; and the selectmen of the town of Brighton shall take such legal measures as are necessary to close and discontinue such highway or highways in pursuance of this order, and to discontinue and abolish the grade crossings included in said highways as at present located.

The foot bridge at Cross street shall be built and completed by the Grand Trunk railway company of Canada within six months from the date of this order and when opened for public use the selectmen of the town of Brighton shall thereupon discontinue so much of the present highway at what is called Reeve's crossing as is within the limits of the right of way of said Grand Trunk railway company of Canada and occupied by said company's tracks, and close said Reeve's crossing to public travel.

The Grand Trunk railway company of Canada, may, upon the completion of said bridge or over-pass, take down and remove the present foot way across its tracks and yard just westerly of its present passenger depot.

The approaches to the bridge or over-pass on the northerly end thereof shall be maintained in the future by the town of Brighton and the approach at the southerly end of said bridge or over-pass shall be maintained by the Grand Trunk railway company of Canada, and the same kept in good and sufficient repair.

All the new highways herein provided for and the bridge or over-pass and foot walk at Cross street and the approaches to both bridge and foot walk shall be constructed to the satisfaction and approval of this board.

The contract and agreement between the town of Brighton by its selectmen and the Grand Trunk railway company of Canada, as recited herein, shall be and remain in full force and effect and the obligations therein mutually imposed shall be carried out by the parties thereto. The plans filed with this board marked "July 16th, 1903," and the plan and survey filed

by the selectmen of the town of Brighton August 14th, 1903, are hereby referred to and made a part of this report and order for the purposes above indicated and for the purpose of establishing the points of compass as set forth herein and also the location of the buildings and monuments referred to in this order and the location of the highways to be discontinued.

Done at Rutland this 8th day of September, A. D., 1903.

FULLER C. SMITH,

H. S. BINGHAM,

HORACE W. BAILEY,

Railroad Commissioners.

APPLICATION FOR EXTENSION OF TIME.

On February 19th, 1904, the Grand Trunk railway company applied to the commissioners for an extension of time in which to complete the improvements at Island Pond from the 8th day of March, 1904, to the 8th day of June, 1904. The application being based upon unavoidable delays in the receipt of lumber and materials and there being no serious objection on the part of the selectmen of the town of Brighton, the application was granted and the following order issued.

ORDER FOR EXTENSION OF TIME.

In the matter of the application of the Grand Trunk railway company for an extension of time in which to complete the improvements at Island Pond in the town of Brighton.

The order upon the Grand Trunk railway company was dated September 8th, 1903, and the improvements therein directed to be made were, by the terms of the order, to be accomplished within six months from said 8th day of September. And now comes the Grand Trunk railway company and makes application for an extension of said limit of time to the 8th day of June, 1904. Said application was dated February 19th, 1904, and was duly referred to the selectmen of the said town of Brighton, who, on March 11th, 1904, consented to the extension of time asked for.

It is therefore ordered that the order of this board upon the Grand Trunk railway company dated September 8th, 1903, be

modified by extending the limit of time in which said improvements shall be completed to the 8th day of June, 1904, and not otherwise.

Done at St. Albans, Vt., this 24th day of March, 1904.

FULLER C. SMITH,

H. S. BINGHAM,

GEORGE T. HOWARD,

Railroad Commissioners.

FINAL ORDER.

In the matter of the petition of M. B. Ladd, B. W. Farmer and John W. Thurston, selectmen of the town of Brighton, relating to the abolishment of four grade crossings over the tracks of the Grand Trunk railway company of Canada in the village of Island Pond, and the erection of an over-pass in lieu thereof.

Upon due notice to the selectmen of the town of Brighton and the Grand Trunk railway company of Canada, the commissioners met the interested parties at Island Pond on August 11th, 1904, and examined the new highway and the two over-passes constructed and erected by the town of Brighton and the Grand Trunk railway company of Canada in pursuance of an order of this board dated the 8th day of September, 1903, as appears more fully in said order.

It appearing that the new highway had been located and constructed in accordance with the terms of said order and of the agreement therein recited, between the town of Brighton and the Grand Trunk railway company of Canada, and to the satisfaction of the selectmen of the said town of Brighton, and that the two new over-passes had been located and erected, together with the approaches thereto, by the Grand Trunk railway company of Canada in accordance with the terms of said order, it is therefore

Ordered, that the new highway constructed by the town of Brighton leading from the public road northerly of the Peter Richford crossing in a northwesterly direction around Back pond, so called to the public road northeasterly of the coal chutes, and the new highway leading from said public road to the new over-pass near the old Island Pond house, and the location and erection of the new over-pass for teams and also the over-pass for pedestrians built by said Grand Trunk railway company of Canada

and the approaches thereto be and the same are hereby approved by this board and that said new highway and every part thereof be opened for public travel on the 20th day of August, 1904, and that upon said last mentioned date the following highways in said town of Brighton and the grade crossings hereinafter described be discontinued and abolished, viz.

All that portion of the highway leading across the tracks of the Grand Trunk railway company of Canada next west of the old Grand Trunk passenger station in the village of Island Pond, known as the Reeve's crossing, commencing at a point in the southerly line of said railway company's right of way, thence northerly across the tracks of said Grand Trunk railway company to a point in the northerly line of said railway company's right of way; also all that portion of the public road and highway commencing at a point in the southerly line of said railway company's right of way just southeasterly of the old passenger station in the village of Island Pond and continuing northerly across the tracks of said company, being the old Main street grade crossing, thence around to the northerly side of the old engine house and coal chutes of said company, thence easterly across the tracks of said company, thence easterly along the shore of the pond to and across the Peter Richford grade crossing, so called, to the northerly limit of said railway company's right of way, as said public road or highway was originally laid out; also the highway leading from the last above described highway at a point approximately four hundred feet easterly of the easterly end of the coal chutes of said railway company, thence in a northwesterly direction to a point where the new highway leading around the northeasterly side of Back pond, so called, strikes the public road, all as shown upon the blue print plan marked "July 16th, 1903" which is referred to in said order dated September 8th, 1903.

And it is ordered that the town of Brighton by its selectmen shall immediately institute such proceedings, under the provisions of chapter 150, V. S., and amendments, as are necessary to legally discontinue the highways hereinabove ordered to be discontinued, and discontinue the same.

It is further ordered that said original order dated September 8th, 1903, and this order be recorded in the office of the clerk of said town of Brighton and such record shall operate as an order of the board of railroad commissioners of the state of Vermont for the opening of said new highways above referred to for

public travel and for the discontinuance of the highways and the highway grade crossings above specified.

For the purpose of establishing more definitely the points of compass and the location of the highways and grade crossings herein above described, the blue print plan marked "July 16th 1903" is hereby referred to and made a part of this final order.

Done at St. Albans, Vt., this 16th day of August, 1904.

FULLER C. SMITH,

H. S. BINGHAM,

GEORGE T. HOWARD,

Railroad Commissioners.

PETITION OF BURLINGTON TRACTION COMPANY.

Subject: Application for Permission to Change Location of Track on Iron Bridge at Winooski.

Docket Entries:

June 13th, 1903, petition filed; June 19th, hearing at Burlington; June 27th, 1903, order issued.

The appearances are noted in the report and order.

PETITION.

To F. C. Smith, H. S. Bingham and H. W. Bailey, Railroad Commissioners of the State of Vermont:

Your petitioners, the Burlington traction company, a corporation under the laws of Vermont, located at the city of Burlington in the county of Chittenden, Vermont, duly authorized to construct and operate street railroads in the city of Burlington, village of Winooski and town of Colchester in said county, and elsewhere; and now operating an electric street railroad from the city of Burlington, over the present iron bridge across the Winooski river, into the town of Colchester, respectfully represents that on account of the nearness of the present street railroad rails to the upright iron posts and side of said iron bridge, on the west side thereof, there is constantly great danger of serious injuries being received by the passengers and the public travelling on its cars across said bridge, and that it is necessary that its tracks or line of rails be removed and re-laid eight or nine inches farther to the east than they are now laid across said iron

bridge ; that the city of Burlington has granted to your petitioners the right to so re-locate said line of rails on the portion of said bridge within the limits of said city, and that your petitioner on the 8th day of May, 1903, duly applied to the selectmen of the town of Colchester to, and into which town said bridge extends, for permission to re-locate and lay its line of rails over the northerly portion of said bridge within the limits of the said town of Colchester and the highway adjacent thereto, eight inches easterly of the present location of the same, from a point in said bridge over the center line of said river to a point in the highway about 100 feet or a proper distance northerly from the north end of said bridge, to properly connect with its present railroad tracks ; that said application was duly made in writing by your petitioner, and has been duly considered by the selectmen of the town of Colchester, and permission to so locate and construct its tracks and operate its railroad by electricity eight inches easterly of its present line of rails, between the points named, has been refused by said selectmen of said town of Colchester ; wherefore by reason of the failure of your petitioner to agree with the selectmen of the town of Colchester as to the location, manner of construction and use of its said street railway as prayed for in its said application as above stated, your petitioner appeals from said decision of said selectmen of the town of Colchester, to the said railroad commissioners of the state of Vermont, and here asks of said railroad commissioners permission to build and operate its street railroad, as above described over a line of rails parallel with and eight or nine inches easterly of its present line of tracks or rails as now laid, from a point on said iron bridge crossing said Winooski river, in the boundary line between said town of Colchester and the said city of Burlington, thence northerly over that portion of said iron bridge within the limits of said town of Colchester and to a point in the present highway extending northerly from said bridge, about one hundred feet, to connect with its present line of rails extending northerly therefrom, and to suspend its electric trolley wire at the proper place on said bridge, as it is now suspended, for the operation of its street railroad under the trolley system.

Dated at the city of Burlington, in said county of Chittenden and state of Vermont, this 6th day of June, 1903.

BURLINGTON TRACTION COMPANY,

By John J. Flynn, Vice-President.

REPORT AND ORDER.

In the matter of the petition of the Burlington traction company praying for permission to construct its line of rails over the iron bridge between the city of Burlington and the village of Winooski nine inches easterly of their present location.

This petition was preferred on June 12th, and was heard by commissioners Bingham and Bailey on June 19th, on notice to city of Burlington, and the town of Colchester. The petitioner was represented by A. C. Whittemore and the town of Colchester was represented by H. F. Wolcott and H. N. Deavitt. The city of Burlington was represented by R. E. Brown, city attorney. Citizens of the village of Winooski also appeared in their own behalf in opposition of the granting of the prayer of the petitioner.

The evidence introduced before the commissioners and an examination of the bridge and rolling stock of the petitioner disclosed the following state of facts. The bridge across the Winooski river in the village of Winooski is owned and maintained four-fifths by the city of Burlington and one-fifth by the town of Colchester. The petitioner constructed and has for some years maintained and used its track across said bridge on the westerly side, the westerly rail being about three feet from the westerly truss, leaving a road-way outside of the easterly rail about ten feet in width for the use of teams. The bridge is planked flush with the tops of the rails and its entire width of eighteen feet or more can be used by teams whenever no car of the petitioner is passing over said bridge. During the summer season when open cars are used on the petitioner's railroad, the foot board on the westerly side so narrowly clears the iron work of the bridge that persons standing thereon are in danger of being seriously injured by striking the iron work of said bridge. The petitioner, in response to an urgent demand on the part of the public for larger and better cars, has recently added to its equipment several open cars which are fourteen inches wider than those now in use and which will clear the iron work of said bridge by only two inches. And it is with a view of protecting the passengers upon all the cars of the petitioner from the danger of injury while crossing this bridge that the petition is brought.

The objections raised were based upon the ground that the commissioners have no jurisdiction to order a re-location of the track of the petitioner and that if the track is removed nine

inches easterly of its present location there will not remain a space sufficient for teams to pass over said bridge while an electric car is passing. The bridge is upwards of two hundred feet in length and is about eighteen feet in width between trusses.

The commissioners hold that the statute confers the power to regulate the operation of the petitioner's cars over this bridge to the extent of guarding the public from any danger that may arise on account of the location of the petitioner's tracks upon this bridge. The petitioner, by the terms of its charter and under the laws of the state, must provide safe and proper facilities to accommodate its patrons. The bridge in question is a part of the highway and the petitioner has the right to occupy it for the passage of its cars. This occupancy must be such as is reasonable and safe,—reasonable in the sense that it must not interfere unlawfully with the other use of said bridge by the public, and safe in the sense that every precaution must be used to safely transport the patrons of the petitioner over this bridge, as well as over every other part of petitioner's road. From the testimony and from an examination of the bridge the commissioners are convinced that the operation of the petitioner's cars now in use is attended with danger in passing over this bridge; and it is clear that the new and wider cars will materially increase the danger. This being determined as a fact the commissioners would be remiss in their duty if they did not immediately make an order that will remedy the difficulty and secure to the public a safe use of the petitioner's railroad. If this increased safety interferes, to some slight extent, with the facilities heretofore enjoyed by the public driving over said bridge in teams, then these facilities must yield a little in the interest of the common safety. The railroad is rightfully there and the public have a right to make use of it as a means of transportation; and that use must be a safe one. Both the petitioner, in the operation of its cars, and the public driving over the bridge in teams must exercise their rights so as to inconvenience each other as little as possible, and at all times having regard to the largest degree of safety.

The commissioners are further of the opinion that after the petitioner's track is removed nine inches east of its present location, enough space will remain for the safe passage of almost any team. If a team is on the bridge when one of the petitioner's cars approaches and the two cannot safely pass, then the car should not enter upon the bridge until the team is off, and if the car is first in possession of the bridge the team should wait

until it has passed off the bridge before attempting the passage. These common sense regulations must and will suggest themselves to all persons having rights upon said bridge and it would be strange if no power is vested in any tribunal to compel the safe operation of the petitioner's cars across the bridge where it comes in contact with other means of locomotion. It was for just such purposes as these that a board of railroad commissioners was created.

It is therefore ordered that the petitioner re-locate its track across the iron bridge over the Winooski river between the city of Burlington and the village of Winooski by removing its present track and constructing a new track nine inches easterly of the location of its present track, and the petitioner may, in order to effect this new location, connect its track on either side of said bridge with its newly located track upon said bridge by proper tangents or curves and to do this may move its present track on either side of said bridge in such a manner and so far as is necessary to properly carry into effect this order. And the petitioner may attach to said bridge its trolley wire in such a manner and in such a location thereon as will enable it to safely and properly and efficiently operate its cars across said bridge. The petitioner shall comply with the terms of this order on or before the 1st day of August, 1903.

Done at Burlington this 27th day of June, 1903.

H. S. BINGHAM,

HORACE W. BAILEY,

Railroad Commissioners.

PETITION OF HENRY F. KING.

Subject : Farm Crossing over Boston & Maine Railroad in the Town of Newbury.

Docket Entries:

July 13th, 1903, petition filed; July 28th, 1903, hearing at Wells River; August 10th, 1903, report and opinion.

PETITION.

To the Honorable Board of Railroad Commissioners for the State of Vermont :

Your petitioner, Henry F. King of Haverhill, in the county of Grafton and state of New Hampshire alleges that he is one of the heirs at law of Russell King deceased, and is sole owner of the real estate of which said Russell King died seised in Newbury in the county of Orange and state of Vermont; that said Russell King on, to wit, the 31st day of July, A. D., 1848, by his deed of that date conveyed to the Connecticut and Passumpsic river railroad company a certain right of way across his said land in said Newbury, with the express provision and agreement that said railroad company should provide a convenient passway and crossing to get from the highway on to said land westerly of said railroad; and the petitioner attaches hereto a copy of said deed and begs leave to refer to the same for greater certainty as to what was conveyed and the provisions thereof as to a passway.

Your petitioner further avers that there is a highway immediately easterly of and adjoining said railroad land and that your petitioner's land lies westerly of and adjoining said railroad land, and that it is necessary for your petitioner to have a convenient passway from said highway on to his said land, westerly of said railroad, and that it was the understanding and agreement when said deed was executed that one should be built; and he further avers that he has called upon the Boston & Maine railroad company, which is now in the control and occupancy of said railroad, to make him such a passway through the dump of said railroad, but said railroad neglects and refuses to furnish him one. Your petitioner's home place lies across the Connecticut river and easterly of the land in question, and in order to reach his said land, he must cross said river in boats or go up through the vil-

lage of Woodsville and across the toll bridge at that place and the rates of toll is so high that it is very expensive for your petitioner to cross there, and he needs to cross to go to his said land two or three times each day. At the time said deed was executed to said railroad the bridge across the Connecticut river was southerly of the present bridge at Woodsville, and much nearer to said land from your petitioner's house, and said Russell crossed said bridge and some other land of said railroad to get upon his said land, but since said rates of toll have been increased and the toll bridge located at Woodsville there is no convenient way to get upon said land without a passway to be constructed so that your petitioner can go from the highway under said railroad and so upon his said land.

Wherefore in view of the premises your petitioner prays that the Connecticut and Passumpsic rivers railroad and the Boston & Maine railroad, which is now running and operating said railroad may be cited to appear before your board, at a certain time and place to be fixed by your board and that your petitioner may have due notice thereof so that he and all parties in interest can appear and be heard in the premises, and that on hearing it may be ordered that said railroad shall construct and maintain a passway for your petitioner and such others as may have occasion to go upon such land, and for such other relief as is just.

HENRY F. KING.

SMITH & SMITH,

Atty's for Petitioner.

Dated at Newbury, Vt., June 26, 1903.

REPORT AND OPINION.

The petition in this case alleges, in substance, that the petitioner is the owner and occupier of a piece of pasture land located on the westerly side of the Boston & Maine railroad in the town of Newbury and just south of the village of Wells River; that the buildings where the petitioner resides are located across the Connecticut river in the state of New Hampshire, and that the petitioner's present access to said pasture land is only by way of the toll bridge between the villages of Wells River and Woodsville, N. H.; that the tolls for crossing said bridge excessively burden the petitioner; that by means of an underpass through the dump of said Boston & Maine railroad the petitioner might secure access to said pasture land more easily than at present. That the conveyance by the petitioner of the right of way oc-

cupied by the railroad of the petitionee was upon the express condition that the grantee would provide a farm-crossing or passage-way for the petitioner's use.

Upon this petition a hearing was had at Wells River, July 28th, 1903, and there were present all the commissioners.

Smith & Smith appeared for the petitioner, and Young & Young for the petitionee.

It was contended by petitioner's counsel that the commissioners have jurisdiction to order the farm-crossing or under-pass prayed for under the general provisions of the law providing that the commissioners shall have supervision of the railroads within this state and particularly under Secs. 3982 and 3989, as amended by No. 68 of the laws of 1902.

The commissioners are of the opinion that these sections of the statutes confer no authority upon them which can give the petitioner relief. As was pointed out in a similar case, in re petition of F. J. Libby, decided August 10th, 1898, and reported in the sixth biennial report, Secs. 3871 and 3872, V. S., provide a specific remedy for the relief sought by the petitioner.

Sec. 3880, V. S., provides that a person through whose land a railroad passes may make complaint in writing to the commissioners provided for in this chapter, that he is aggrieved by the neglect or default of the railroad company in constructing or maintaining fences, cattle-guards or farm-crossings which the company is bound to construct or maintain.

This law was first passed in 1851, and in the general statutes and subsequent compilations the same language has been preserved. The commissioners therein named are commissioners to be appointed by the supreme court.

The commissioners mentioned in Sec. 3872 are likewise commissioners appointed by the supreme court upon petition. There is no authority conferred upon this board by the laws of this state to order a railroad company to establish a farm-crossing or under-pass for the benefit of an adjacent land owner. This being the fact it is unnecessary for the board to pass upon the question of the specific performance of the contract set forth in the deed from the petitioner conveying to the petitionee its right of way.

The petition is therefore dismissed.

FULLER C. SMITH,
H. S. BINGHAM,
HORACE W. BAILEY.

Railroad Commissioners.

COMPLAINT OF HANCOCK MANUFACTURING COMPANY.

Subject: Excessive Freight Rates on White River Railroad.

Docket Entries :

September 26th, 1903, complaint filed; October 6th, 1903, hearing appointed at Rochester.

The complaint in this case was to the effect that the White River railroad company exacted from the complainants an exorbitant charge for the transportation of lumber over their road from Rochester to Bethel. The commissioners appointed the 6th day of October at two o'clock in the afternoon for a hearing upon the complaint, and notice thereof was given the complainant by due course of mail. On the day and at the hour fixed for said hearing neither the complainant nor any person representing the Hancock manufacturing company appeared before the board, and the complaint was thereupon dismissed.

PETITION OF SELECTMEN OF CAVENDISH.

Subject: New Passenger Station at Proctorsville and Bridge over Highway at Cavendish.

Docket Entries :

August 31st, 1903, petition filed; September 7th, 1903, meeting of the commissioners and the selectmen of Cavendish at Cavendish; September 7th, 1903, petition withdrawn so far as it relates to new station at Proctorsville.

PETITION.

To Fuller C. Smith, H. S. Bingham, and Horace W. Bailey, Railroad Commissioners for the State of Vermont:

We, the undersigned, selectmen of the town of Cavendish, would respectfully represent to your board that there is gross negligence upon the part of the management of the Rutland railroad passing through the said town of Cavendish, in that the said railroad company fails and neglects to provide a suitable station at Proctorsville in said town, the station formerly there

having been burned in November, 1901, since which time the patrons and public have had only an old passenger coach for a station, which is grossly inadequate for the proper accommodation of the public or the security and convenience of the same.

We also would further respectfully represent that said railroad company, has constructed a bridge, or culvert, over the highway, near the station at Cavendish village, which said culvert or bridge is so narrow as to greatly inconvenience and discommode the public, which we think is in violation of law. Wherefore we pray that your board will investigate the matters herein complained of and make such order in the premises as shall to you seem meet, agreeably to the statute in such cases.

C. D. PARKER,

WM. MALONEY,

A. H. LOCKWOOD,

Selectmen of Cavendish.

Dated at Cavendish, Vt., August 26, 1903.

The Rutland railroad company having erected at Proctorsville a suitable passenger station adequate for the proper accommodation of the public at that point, the petitioners on September 7th, 1903, withdrew their petition so far as the same relates to said new passenger station.

From an inspection of the bridge over the highway at Cavendish it appeared that the Rutland railroad company on the day of the meeting of the commissioners with the selectmen of the town of Cavendish, September 7th, 1903, had not yet placed in position the steel bridge which was to span the highway at that point, and the temporary structure then in use was supported by two bents set within the stone abutments of the under-pass. It was reported by the Rutland railroad company that when the girders were placed in position these bents would be removed and the highway considerably lowered so that ample accommodation for traffic would be given. At the date of the annual inspection of the Rutland railroad, July 20th 1904, the bents above referred to had been removed, but the steel structure had not been placed in position and the highway had not been lowered by removing any portion of the surface.

It has not seemed practicable to the commissioners, taking into consideration the expense of taking down the stone abutments, to order the Rutland railroad company to widen the space

for the accommodation of public travel through this under-pass. After the improvements are completed, if any relief to the petitioners is warranted, then the commissioners reserve the right to make an order upon the petition in this case, after due notice and hearing.

PETITION OF BOSTON & MAINE RAILROAD.

Subject: Application for Permission to Heat Certain Cars otherwise than by Steam.

Docket Entries:

October 31st, 1903, petition filed; November 5th, 1903, permission granted.

The Boston & Maine railroad on October 1st, 1903, made application in writing for permission from the commissioners to heat certain cars on mixed trains otherwise than by steam, and on November 5th, 1903, the commissioners granted such request by the following letter addressed to the Boston & Maine railroad.

Permission is hereby granted the Boston & Maine railroad to run cars heated otherwise than by steam upon mixed trains numbers 50 and 51 between Newport and North Derby and upon train number 73 between Lyndonville and Newport and to heat otherwise than by steam an extra car upon local passenger train number 14 between Lyndonville and Newport; also to run coach number 102 heated by Clifton number 3 stove upon mixed trains numbers 70 and 71 running between Bellows Falls and Windsor.

FULLER C. SMITH,
H. S. BINGHAM,
GEORGE T. HOWARD.

Railroad Commissioners.

PETITION OF SELECTMEN OF HARTFORD.

Subject: Insufficiency of Central Vermont Railway Bridge over Highway in the Town of Hartford.

Docket Entries :

December 14th, 1903, petition filed; December 24th, 1903, demurrer of the Central Vermont railway company filed; December 31st, 1903, hearing at White River Junction called for January 8th, 1904; January 8th, 1904, hearing continued by request of petitioners to February 4th, 1904, at Montpelier; February 4th, 1904, hearing on demurrer of petitionee at Montpelier; March 29th, 1904, report and opinion issued; petition dismissed.

The appearances appear in the opinion.

PETITION.

The petition of the undersigned complainants respectfully shows :

I. That the petitioners, namely, Scott Tinkham, Charles D. Hazen, and Arthur R. Brooks are the selectmen of the town of Hartford, Vt., having been duly elected as such officers of said town, March 3rd, 1903, to serve for and during the year then next ensuing.

II. That the defendant above named is a common carrier engaged in the transportation of passengers and property by railroad within the state of Vermont, and as such common carrier is subject to the laws of the said state of Vermont relating to railroads.

III. That the highway at White River Junction in said town of Hartford, for public travel from the south side of White river to the north side of said river, passes under the tracks of said railroad company, on Bridge street, so called, and just easterly of the bakery of Geo. W. Smith & Son, and that the public travel on said highway is very large during all of the day time, and during a considerable part of the night.

IV. That there is a bridge on the line of said railway company, extending over and above said highway, at the point above stated, and that many engines and trains of said railway company pass over said bridge throughout the day and night.

V. That owing to the absence of any guards or screens whatever on the sides of said bridge, horses being driven on said

highway unnecessarily become frightened and unmanageable, to the menace of the public traveling on such highway, and to the injury of persons and the damage of property.

VI. That the said bridge is not otherwise properly maintained for the reasonable and proper protection of the public travel on said highway.

VII. That, although heretofore requested so to do, the said railway company neglects and refuses to remedy the matters herein complained of, to the injury of the public.

Wherefore, the petitioners pray that the defendant may be required to answer the charges herein, and that, after due hearing and investigation, an order be made commanding the defendant to remedy and satisfy the matters herein complained of, and for such other and further order as the honorable board of railroad commissioners may deem necessary in the premises.

SCOTT TINKHAM,
CHARLES D. HAZEN,
ARTHUR R. BROOKS.

Selectmen of the town of Hartford, Vt.

Dated at Hartford, Vt., Dec. 10, 1903.

DEMURRER OF CENTRAL VERMONT RAILWAY COMPANY.

The Central Vermont railway company respectfully denies that the railroad commissioners of the state of Vermont have any jurisdiction over the subject matter contained in the above entitled petition and complaint.

And this company insists that it should not be required to answer or defend the complaint set forth in said petition.

And it insists that Sec. 3844 and Sec. 3846 of the Vermont statutes are the only sections of the statute that point out the liability of the railway company in cases of this kind, and provide a full and complete remedy to compel compliance with the provisions of the statute.

It insists that no part of the statute establishing a board of railroad commissioners confers upon the railroad commissioners the right or power to pass upon the above complaint or to provide a remedy for the same.

Dated at St. Albans, in the state of Vermont, this 22d day of December, 1903.

CENTRAL VERMONT RAILWAY COMPANY,

By C. W. Witters, its Attorney.

REPORT AND OPINION.

The petitioners allege, as the basis of their complaint, that "owing to the absence of any guards or screens whatever on the sides of said bridge, horses being driven on said highway unnecessarily become frightened and unmanageable, to the menace of the public traveling on said highway, and injury to persons and damage to property." And the petitioners pray that the Central Vermont railway company may be required to answer this complaint and that, after due hearing and investigation, the commissioners make an order requiring the defendant company to remedy and satisfy the matters complained of. To this complaint the Central Vermont railway company made answer denying the jurisdiction of the railroad commissioners over the subject matter of the complaint and insisting that said company should not be required to further defend the complaint set forth in said petition; and for further answer the defendant company insisted that sections 3844 and 3846 of the Vermont statutes are the only sections that point out the liability of the railway company in such cases and that these sections provide a full and complete remedy to the petitioners.

Upon due notice the commissioners gave a hearing to the parties interested at the office of the board in Montpelier on the 4th day of February, 1904. Jonathan Ross appeared for the petitioners and C. W. Witters for the Central Vermont railway company.

The duties and powers of the railroad commissioners of this state are only such as are clearly conferred by statutory enactment. Section 3844, V. S., provides that when a railroad company has constructed a railroad across a public highway by passing over the traveled path thereof, the corporation shall keep its bridge or other constructions in good and sufficient repair and rebuild them when necessary for the accommodation, safety and convenience of the public travel on the highway, and a railroad corporation is liable to the town for damages accruing to the town by reason of such corporation not complying with the provisions of this section. Section 3846, V. S., provides that if the selectmen of the town are of the opinion that such Bridge requires rebuilding or repairing in order to be safe for travel thereon they may notify the corporation and if such corporation does not repair or rebuild such bridge for one month after such notice

the selectmen may do so and the town may recover the expense thereof from the corporation.

The power to require the railway company to repair or rebuild such structures is vested in the selectmen of the town; but this power given the selectmen is only granted when such bridge or structure is unsafe for travel thereon. If it applies to a railroad bridge over a highway, the power of the selectmen to repair or rebuild can only be exercised when the bridge is unsafe for the passage of trains over it and in no case can the right obtain to erect guards or screens on the sides of the bridge, the absence of which is the only subject of complaint in the case under consideration. It is apparent that sections 3844 and 3846, V. S., do not confer jurisdiction upon this board to grant the relief sought by the petition.

The only other statutory enactments by virtue of which the board might take jurisdiction of the subject matter of the complaint are sections 3989, V. S., as amended by section 6 of number 68 of the laws of 1902, and 3993, V. S., as amended by section 10 of number 68 of the laws 1902.

Section 3989, V. S., as amended by section 6 of Number 68 of the laws of 1902, imposes upon the railroad commissioners the duty of ordering, among other things, repairs upon any railroad in this state whenever necessary, or ordering a change in the manner of operating the road or conducting the business of the road whenever necessary to promote the security, convenience or accommodation of the public or to prevent violations of law.

Section 3993, V. S., as amended by section 10 of number 68 of the laws of 1902, provides, among other things, that when, in the judgment of the commissioners, it appears that a person or corporation owning or operating a railroad fails in any respect to properly provide for the security of the public, the commissioners may, if in their judgment such action is required, make application to the supreme court or county court for any remedy warranted by law. The general powers and duties of the commissioners, as defined by section 3982, V. S., are not enlarged, by the language employed, over the powers and duties already pointed out.

The commissioners conclude that section 3989, V. S., as amended, only confers the right to order repairs when a necessity exists in order to make the railroad safe and secure for the transportation over it of persons and property. The petitioners do not allege any insecurity of the structure over the highway or

that the defendant company, in the operation of its road, improperly makes use of said structure.

The basis of the complaint is the lack of guards or screens upon the sides of the bridge, the absence of which causes the frightening of horses being driven on the highway underneath the bridge. The commissioners are unable to find any power vested in them by the law to grant relief to the petitioners. It is contended that the provision of section 3846, V. S., allowing selectmen to make repairs on a crossing made by a railroad over a highway is against public policy. In the opinion of the commissioners that question is not involved in the determination of the issue before the board. Under section 3846, V. S., the selectmen, as hereinabove pointed out, have no authority to enter upon and repair or rebuild a structure except in cases where the structure is unsafe for travel thereon. And the powers of the railroad commissioners, in ordering repairs or in any other way interfering with the track or bridges of a railroad company, are likewise limited to occasions when repairs are necessary in order to make the road-bed or bridge safe and secure. To assume the power to order guards and screens at places where horses might be frightened by passing trains would involve the building of such guards and screens at innumerable places along railroad rights of way throughout the state.

The law does not contemplate the delegation of any such power. The Central Vermont railway company is operating its road over the highway in question in pursuance of rights gained from its charter or by virtue of some subsequent grant which the petitioners do not question. For anything that appears its bridge is safe for the traffic operating over it and the public easement in the highway is not destroyed by the manner in which the defendant company uses the structure over it. The defendant company has no use or privilege in the highway. It has the right to use its bridge in the usual manner and in thus using it is not guilty of a nuisance. The operation of its trains over this bridge is the performance of a lawful act upon its own premises. Nor is any obligation imposed upon the defendant company by the terms of its charter or the law to erect guards or screens at any place where its road is contiguous to a highway or passes over a

highway. It follows that no power exists whereby the railroad commissioners can give the petitioners the relief prayed for.

Favor vs. Boston & Lowell R. R. Co., 114 Mass., 350.

Coy vs. Utica R. R. Co., 23 Barb. (N. Y.) 643.

The petition is dismissed.

Done at Montpelier this 29th day of March, 1904.

FULLER C. SMITH,

HENRY S. BINGHAM,

GEORGE T. HOWARD,

Railroad Commissioners.

PETITION OF CITIZENS OF MANCHESTER.

Subject: Additional Train Service over the Rutland Railroad.

Docket Entries:

February 1st, 1904, petition filed; March 3rd, 1904, hearing at Manchester Center.

Appearances: C. H. Mason, for petitioners; H. H. Powers for the Rutland railroad company.

PETITION.

To Fuller C. Smith, Henry S. Bingham and George T. Howard, Railroad Commissioners for the State of Vermont.

Come your petitioners, residents of Manchester and of adjoining towns in the county of Bennington, state of Vermont, and respectfully represent:

That the Rutland railroad company owns and operates the only line of railroad passing through the said town of Manchester and furnishing transportation for both passengers and freight from and to said Manchester and other towns situated on the

line of said railroad north and south of said Manchester. That a large portion of the business transacted by the residents of Manchester and the other towns referred to necessitates traveling over said railroad in a southerly direction. That for a period of about fifty years there has been run over said road a passenger train leaving Rutland at the hour of about 6:30 in the morning. That said railroad company during the winter of 1902 and 1903 suspended running such train, and has again removed such train for the winter of 1903 and 1904. That the first passenger train running south over said road does not leave Rutland till about 11 o'clock in the forenoon. That the business interests of all towns on said road south of Rutland, and the convenience of those residing on the line of said road and near to it, demand that a train be run at an earlier hour for the accommodation of those desiring to travel in a southerly direction on said road.

They therefore petition your honorable board to summon said railroad company to appear at such time and place as said board shall designate, to show cause, if any it has, why said company should not be ordered and directed to run a passenger train in a southerly direction over said road at a reasonable early hour in the morning. They further petition, if, upon hearing, the facts shall warrant such action, that your honorable board issue such order to said railroad company.

Dated at Manchester, Vt., this 19th day of November, 1903.

A. L. GRAVES,
and 104 others.

Before any evidence was introduced the petitioners came to an agreement with the management of the Rutland railroad company and leave was asked to withdraw the petition without prejudice, which was granted.

PETITION OF CITIZENS OF PUTNEY, BELLOWS FALLS AND
BRATTLEBORO.

*Subject: Better Train Service at Putney and East Putney
Stations on Vermont Valley Railroad.*

Docket Entries:

June 29th, 1904, petition filed; July 20th, 1904, hearing at Brattleboro.

Appearances: Clarke C. Fitts, for petitioner; W. B. C. Stickney, for Vermont Valley railroad; H. D. Ryder, for Bellows Falls board of trade.

PETITION.

*To Fuller C. Smith, H. S. Bingham and Geo. T. Howard,
Railroad Commissioners of the State of Vermont:*

GREETING:

Respectfully represent, that the Boston & Maine railroad company, operating the line designated by them as the Connecticut river division, have announced and arranged a schedule for the running of certain passenger trains to take effect June 27th next, viz: train No. 42 hitherto giving service to the town of Putney and scheduled to leave the station in said town of Putney at 4:18 o'clock p. m. daily, except Sundays when the hour is 3:18 p. m.

That said railroad company in its schedule announced to take effect on June 27th discontinues the stopping of its train No. 42 at 4:18 p. m. to the great inconvenience and commercial loss of the people of said town of Putney having business and other relations with the towns upon said line of railway, and particularly with the towns of Bellows Falls and Brattleboro; likewise the people and merchants of the said towns of Bellows Falls and Brattleboro having commercial relations and otherwise with said town of Putney are greatly inconvenienced and damaged by said change and discontinuance of the service accorded by train No. 42.

Now, therefore, the undersigned acting by common consent for various petitioners in said towns of Putney, Bellows Falls and Brattleboro, do respectfully request and demand of you, our railroad commissioners, that immediate inquiry and investigation

into the circumstances and occasion for said scheduled change or discontinuance of service be made, to the end that people of said towns may secure such proper and reasonable train service and particularly with reference to said train No. 42 as may be necessary for their convenience and welfare, and as is their right under the charters creating said railroad company.

It is further represented respecting the service about to be discontinued at East Putney, in said division, by train No. 11 hitherto stopping at said station at 11:30 a. m., that said change of service will be of serious inconvenience and loss to people of towns before mentioned and inquiry and investigation into this matter is also requested and demanded.

Putney,

F. L. HOUGHTON,

W. A. COLE PAPER CO.,

By W. S. Adams, Vice-President.

Brattleboro.

W. M. DUNKEN,

HOUGHTON & SIMONDS.

Bellows Falls,

HOWARD HARDWARE CO.,

By C. E. Howard, Treasurer.

Putney, Vt., June 21st, 1904.

REPORT AND OPINION.

In the matter of the petition of F. L. Houghton, and others, citizens of the town of Putney, the village of Brattleboro and the village of Bellows Falls, relating to train service at Putney and East Putney stations on the Vermont Valley railroad.

The petitioners were heard at Brattleboro on July 20th, 1904. C. C. Fitts appeared for the petitioners and H. D. Ryder for the Bellows Falls board of trade; W. B. C. Stickney appeared for Boston & Maine railroad, lessee of the Vermont Valley railroad.

The petition set forth that the Boston & Maine railroad, in its train schedule taking effect June 27th, 1904, discontinued the stopping of its train No. 42 from the north at Putney, which train is due to arrive at that point about 4:18 p. m.; and that at East Putney train No. 11, north bound, hitherto stopping at said station at about 11:30 a. m., is, by the new summer service, scheduled to stop at said East Putney only to take on or leave

passengers for or from points beyond the Connecticut and Passumpsic division of said Boston & Maine railroad; and the petitioners pray that an order may issue from the commissioners requiring trains No. 42 and 11 to make regular stops at Putney and East Putney stations whenever there are passengers to leave or to take on destined for any other point on the Boston & Maine system.

The testimony tended to show and the petitioners fairly established the fact that the patrons of the Boston & Maine railroad at Putney fairly require a better train service than that afforded by the summer schedule of the Boston & Maine railroad. The relief sought by the petitioners is justified by the amount of business given the Boston & Maine railroad at Putney station, but it would be useless for this commission to make an order requiring train No. 42 to stop at Putney station unless the powers conferred upon this board by statute are broad enough to give ample jurisdiction in such case. The commissioners have, therefore, carefully examined the laws establishing the railroad commission and prescribing its duties and powers and have concluded that the legislative authority has not conferred upon the board of railroad commissioners any power, by the exercise of which, relief can be given the petitioners.

The Vermont Valley railroad of 1871 was organized under the laws of Vermont and is empowered by its charter to transport freight and passengers. Passenger train No. 42 is an interstate and international train, starting from Montreal in the province of Quebec, with through cars over the Grand Trunk, Central Vermont and Boston & Maine railroads to Springfield, Mass., and there connecting with trains over the New York, New Haven and Hartford railroad to points in Connecticut and to New York. The statute giving authority to the railroad commission to regulate the running of passenger trains upon any railroad operated in this state is contained in section 3989 V. S., as amended by section 6 of No. 68 of the acts of 1902, and is in the following language: "when in the judgment of the commissioners, after investigation and hearing, upon reasonable notice to all persons interested, it appears * * * * * that any change in running and connections of local passenger trains or in the manner of operating the road and conducting its business is reasonable and expedient in order to promote the security, convenience and accommodation of the public, * * * * * the commissioners shall order the same."

The inhabitants of the town of Putney are entitled to reasonable accommodations or, in other words, to a train service such as will reasonably allow those inhabitants to go from and return to Putney in order to transact their business there and at other places. Train No. 42 is not a "local passenger train." It does a large interstate and international business in transporting passengers from points outside of the state of Vermont to points within the states of Vermont and Massachusetts. The commissioners believe that they have no power to regulate the operation of this train under the act above referred to. The case of Norfolk and Western railroad company vs. Commonwealth of Virginia, 13 L. R. A. 107, and note, holds that the state has no power to forbid the running of trains carrying interstate commerce on the day of the week called Sunday. It would seem to follow that if the state has no power to determine when trains carrying interstate commerce shall be or shall not be run, it could not confer the power of such determination upon its railroad commission. If the requirement to stop train No. 42 at Putney would impose upon the Boston & Maine railroad an unreasonable burden upon interstate traffic then the state of Vermont, through its railroad commission, has no authority to interfere in the operation of what may be called an interstate train; and particularly is this so when the grant of authority to railroad commissions is restricted to the language of the act here above referred to and made to apply only to "local passenger trains."

The railroad commissioners possess no authority not given them by legislative enactment; when that authority is restricted so that relief from wrongs cannot be granted, petitioners must then suffer because of such limitations and the fault must lie with the legislative authority rather than with commissions established by its action.

In *Cleveland, Cincinnati and Chicago railroad company vs. state of Illinois* 44 L. Ed. U. S. 868, it was held that the statute of the state of Illinois requiring every railroad corporation to stop all passenger trains at county seats to take on and let off passengers, imposed a direct burden upon interstate commerce in violation of the constitution of the United States and was therefore inoperative. In *Hall vs. DeCuir* 95 U. S. 485, Mr. Chief Justice Waite delivering the opinion of the court, said "but we think it may safely be said that state legislation which seeks to impose a direct burden upon interstate commerce, or to interfere directly with its freedom, does encroach upon the exclusive power of con-

gress." And further that "while such state legislation operates only to control the carrier when engaged within the state, it must necessarily influence him to some extent in the management of his business throughout his entire voyage." And so the court held that state legislation, requiring those persons engaged in the transportation of passengers in the state to give all persons equal rights and privileges without distinction on account of race or color, is a regulation of interstate commerce, and therefore to that extent, unconstitutional and void.

In the same case the court further said that "if each state was at liberty to regulate the conduct of carriers while within its jurisdiction, the confusion likely to follow could not but be conducive of great inconvenience and unnecessary hardship. Each state could provide for its own passengers and regulate the transportation of its own freight regardless of the interests of others. * * * Commerce cannot flourish in the midst of such embarrassments. * * * Uniformity in the regulations by which he is to be governed from one end to the other of his route is a necessity in his business and to secure it congress, which is untrammelled by state lines, has been invested with the exclusive legislative power of determining what such regulations shall be."

By stopping train No. 42 at Putney to take a passenger bound for Brattleboro or to leave a passenger boarding the train at Bellows Falls might jeopardize the connection of this train at Springfield with the Boston and New York train over the New York, New Haven & Hartford railroad and thus place upon interstate business a serious and unreasonable burden.

The same conclusion is reached by the court in *Mobile county vs. Kimball*, 102 U. S. 696, and there the necessity of reposing the control of such matters in the congress of the United States is fully discussed.

The exercise of the power to order reasonable changes "in the manner of operating the road and conducting its business" cannot, in the judgment of the commissioners, interfere with the movement of trains engaged in interstate or international passenger or freight traffic. The commissioners cannot therefore give to the petitioners the specific relief sought by the prayer in the petition.

The authority to do so is not fairly to be implied from the language of the act, and however much the petitioners may suffer from the inconvenience caused by the failure of the Boston &

Maine railroad to stop its train as set forth in the petition, no order which the commissioners have power to make can be enforced. By holding thus the commissioners do not mean that no jurisdiction or power is conferred upon the board, upon proper petition, to order the Boston & Maine railroad, lessee of the Vermont Valley railroad of 1871, to run such local passenger trains as may be reasonably required to accommodate the inhabitants and business interests of Putney. But no such order can be based upon the petition in this case.

The conclusions arrived at respecting train No. 42, which are recited above, apply in every way to train No. 11 north bound. This train starts from Springfield, Mass., and runs to Stanstead, P. Q., and there connects with trains for other points in Canada. There seems to be no valid reason why this train cannot be stopped at East Putney upon a flag, but the general assembly in its wisdom, has failed to confer upon this commission the necessary power to compel this stop.

The petition is dismissed.

Dated at St. Albans, Vermont, this 6th day of August, 1904.

FULLER C. SMITH,

HENRY S. BINGHAM,

GEO. T. HOWARD,

Board of Railroad Commissioners.

SPECIAL INSPECTION OF WHITE RIVER RAILROAD.

On April 29th, 1904, the commissioners, acting upon their own motion, made a special inspection of the physical condition of the White River railroad, and thereafter the following order was made.

ORDER.

After notice to the superintendent of the White river railroad the commissioners made an inspection of said railroad covering its whole line from Bethel to Rochester. The board was accompanied by Samuel Williams, president, and C. E. Claffin, superintendent.

The report and recommendations of Chas. F. Stowell, employed by the commissioners to make a special examination of the bridges upon this railroad at the time of the annual inspection in October, 1903, is referred to and the attention of the manage-



INTERIOR NEW PASSENGER STATION, BELLOWS FALLS.—RUTLAND AND BOSTON & MAINE RAILROADS.

ment is called to the suggestions and recommendations therein contained. The inspection made April 29th, 1904, found the road in such physical condition that, in the judgment of the board, the operation of passenger trains over it was attended with great danger to the traveling public. This report will not attempt to point out the particular places in the road-bed where these dangerous conditions exist; they are well known to the management and particular attention was called to them during the progress of the inspection. The road, for a greater portion of the way, is poorly drained and in the spring season the road-bed is soft and very wet; it is badly heaved by the action of the frost and is very rough and uneven. The washout which occurred early in the season has not been properly repaired and the road-bed for a half mile northerly from the Stony brook bridge is for the most part in a dangerous condition.

As a result of this inspection the commissioners, on April 30th, 1904, wired to C. E. Claffin, superintendent, the following order:

ST. ALBANS, VT., April 30, 1904.

C. E. CLAFLIN,

Supt. White River Railroad,
Bethel, Vt.

The physical condition of the White River railroad is such that commissioners believe it unsafe for public travel. This judgment is based on inspection made with you and president Williams yesterday and after careful consideration of the whole matter. The commissioners order that after to-day no passengers be carried over the road until thorough repairs are completed at places to which your attention was directed yesterday. Freight may be carried on trains running not more than eight miles per hour except in places where road-bed is in worst condition, where they must not run more than two miles per hour. Latter part of this order to be communicated by you to all employees. Upon failure to comply with this order commissioners will be forced to apply to courts for injunction restraining further operation of road until repairs are made. Extended order will follow by early mail. Answer what action you will take.

FULLER C. SMITH,
HENRY S. BINGHAM,
GEORGE T. HOWARD,

Railroad Commissioners.

This order is hereby confirmed and is to remain in force until written permission is given to said White River railroad company to resume the running of passenger trains over its road.

It is further ordered that said White River railroad company comply with the recommendations contained in the report of Chas. F. Stowell dated October 12th, 1903, and also repair the road-bed in such a manner as to make it safe for the operation of trains and in such a substantial manner as will make a repetition of this order unnecessary. Said company is also directed to properly ditch and drain its road-bed so that all surface water will run off during the time of rains and melting snow and to raise and ballast its track at all points where the same is subjected to the action of frost to such an extent as to heave the road-bed and throw the rails out of surface and alignment.

The work of making these improvements and repairs shall be completed on or before the 15th day of July, 1904, to the satisfaction and approval of the commissioners.

Done at St. Albans, Vt., May 10th, 1904.

FULLER C. SMITH,
H. S. BINGHAM,
GEORGE T. HOWARD,
Railroad Commissioners.

On the sixth day of June, 1904, a second inspection of the said White River railroad was made and on June 7th, 1904 the following telegram was sent to the superintendent:

ST. ALBANS, VT., June 7th, 1904.

C. E. CLAFLIN,

Supt. W. R. R. R.,

Bethel, Vt.

You may open your road to passenger traffic Monday, June 13th. Instruct your trainmen to use special care over all places not yet ballasted and over all trestles. Commissioners will order work of ballasting continued until July 16th, and filling or rebuilding of Bethel, Gaysville and Sawyer trestles before November 1st. Extended order will follow early next week.

FULLER C. SMITH,
HENRY S. BINGHAM,
GEORGE T. HOWARD,
Railroad Commissioners.

On the 14th day of June, 1904 the following report and order was sent to the president and superintendent.

REPORT OF SPECIAL INSPECTION AND ORDER.

Upon the order of this board the White River railroad was closed to passenger traffic April 30th, 1904. Repairs were immediately commenced, and on June 3d application was made for a special inspection. This inspection was made by commissioners Smith and Howard, June 6th, 1904, and the improvements made on the road-bed and bridges were carefully noted.

On June 7th, 1904, the commissioners consented to the opening of the road to passenger traffic on June 13th, and advised the management to that effect. But the continued safety of the operation of the road imperatively demands the ballasting of that portion of the entire road not yet ballasted and the filling or rebuilding of the Bethel, Gaysville and Sawyer trestles. A considerable portion of the road has never been ballasted and is without ditches or drainage. Heavy rains are liable to waste away the soil of the road-bed and render the track unsafe. It is believed that the trestles above mentioned are not sufficiently stable to last through this season and another winter and spring, and that it is both unwise and unsafe to permit their use until the summer of 1905. The necessary appliances for filling them are now at hand, the material is located close to the structures, and the work can be done with greater facility and at less cost than at any later time.

It is therefore ordered that the White River railroad company continue from this date the employment of its gravel train with its present force of men until July 16th, 1904, or until the road is thoroughly and adequately ballasted throughout its entire length, and ballast properly placed on its road-bed.

It is ordered that said White River railroad company rebuild or fill with earth the Bethel, Gaysville and Sawyer trestles, and that the work be completed to the satisfaction of this board on or before the first day of November, 1904.

FULLER C. SMITH,
HENRY S. BINGHAM,
GEORGE T. HOWARD,

Railroad Commissioners.

Done at St. Albans, Vt., this 14th day of June 1904.

GRADE CROSSINGS OF ELECTRIC AND STEAM RAILWAYS IN MONTPELIER, BERLIN AND BARRE.

On August 20, 1897 the then board of railroad commissioners granted to the Barre and Montpelier traction and power company permission to cross at grade the tracks of the Central Vermont railroad company and the tracks of the Montpelier & Wells river railroad company and the tracks of the Barre railroad company in the city of Montpelier, the town of Berlin and the city of Barre. In said order the commissioners provided among other things, that said Barre and Montpelier traction and power company should erect certain semaphore signals to be thrown to danger when a car of said company might be crossing the tracks of the steam road and provided that all the conditions, limitations, restrictions and regulations under which said grant was made might be changed or modified from time to time as said board should deem reasonable and necessary, and that said grant should cease at the expiration of five years from the date of said order, unless the further consent of the board of railroad commissioners of this state, or other lawful authority therefor, shall have been first duly obtained by said traction company.

Pursuant to the terms of said order the present board of railroad commissioners asked the said Barre and Montpelier traction and power company to apply for a renewal of the grant, which was done. Incident to a renewal of the permission to cross the steam roads at grade, the board, of its own motion, endeavored to find some suitable signal to replace the one in use since the making of said order and which would be an improvement thereon. A hearing upon this subject was held at St. Albans on the 14th day of June, 1904, at which hearing the Barre & Montpelier traction and power company was represented by John J. Flynn president; C. W. Witters appeared for the Central Vermont railway company and F. W. Stanyan, superintendent, for the Montpelier & Wells river railroad company and the Barre railroad company.

It is ordered that the permission granted the Barre and Montpelier traction and power company on the 20th day of August, 1897, to cross at grade the tracks of the Central Vermont railway company, the Montpelier & Wells river railroad company and the Barre railroad company in the cities of Montpelier, Barre, and the town of Berlin be continued for a period of five years from the 20th day of August, 1902, under the same condi-

tions, limitations, restrictions and regulations contained in said order dated August 20th, 1897, except as hereinafter modified.

It is ordered that the semaphore signal heretofore in use by said Barre & Montpelier traction and power company, and described in the 5th condition of said order dated August 20th, 1897, be discontinued on and after November 1st, 1904, and the following semaphore signal and apparatus erected and installed in lieu thereof: a signal box and apparatus showing, when thrown to danger, a circular red disk not less than nine inches in diameter encased in an iron or steel box and protected by a glass front and back; and showing by night a red bull's eye target light not less than $5\frac{3}{4}$ inches in diameter and similar to those in use upon switch targets. Said signalling apparatus shall be placed upon a pole or post not less than ten feet above the top of the rail of the steam road and at such a distance from the crossing that it can be seen by the engineman of an approaching railroad train at least fifteen hundred feet from said crossing; said post shall be painted white. The Barre and Montpelier traction company shall also erect a sign post on either side of each of the crossings herein established and continued, and at a distance of twenty feet therefrom, upon which shall be painted in large and distinct letters the word "Stop," and in the operation of its road shall stop all of its cars at said sign posts before attempting to cross the tracks of the steam road; and the conductor of each electric railway car, after the car is stopped as is herein required, shall go upon the railroad track and shall ascertain whether any railroad train can be seen or heard approaching said crossing, and if not, and before ordering the electric railway car to proceed, shall set and keep said semaphore signals at danger, and after said electric railway car has passed completely over said railroad track so that it entirely clears the steam road by a distance of not less than four feet, shall change said signals to safety; said signals shall be kept at safety except when an electric railway car is crossing as aforesaid. Said Barre and Montpelier railroad and traction company shall bear the entire expense of the purchasing and installation of said apparatus and shall install and commence the operation of the same on or before the 1st day of November, 1904, to the satisfaction of this board.

The right of said Barre & Montpelier traction and power company to cross the tracks of the Central Vermont railway company, the Montpelier & Wells river railroad company and the Barre railroad company at grade as aforesaid, under the pro-

visions of this order, shall cease at the expiration of five years from August 20th, 1902, unless the further consent of the board of railroad commissioners, or other lawful authority therefor, shall have been first duly obtained by said electric traction company.

The board of railroad commissioners expressly reserves the right to change or modify the provisions of this order or to order other safeguards in lieu of the signals hereinabove provided for as, having primary regard to the public safety and convenience, the board may deem to be reasonable and necessary.

The board requires of said Barre & Montpelier traction and power company a full and complete compliance with the terms of this order and particularly the conditions thereof requiring the conductor of each and every electric railway car to stop before said railroad crossing is attempted and requiring the conductor to throw and keep said semaphore signal at danger until said electric railway car is entirely clear of said crossing, or said Barre & Montpelier traction and power company will be required to show cause why a derailing plant should not be substituted in lieu of the signalling apparatus herein described and provided for.

FULLER C. SMITH,

H. S. BINGHAM,

GEO. T. HOWARD,

Railroad Commissioners.

Done at Burlington this 5th day of September, 1904.

A similar order to the above was, on the same date, made upon the St. Albans street railway company covering a grade crossing of its road with the Central Vermont railway company on North Main street in the city of St. Albans and the grade crossing with the tracks of the St. Johnsbury & Lake Champlain railroad company in the village of Swanton. Another order was also made upon the Rutland street railway company covering its grade crossings with the tracks of the Rutland, Delaware & Hudson and Clarendon & Pittsford railway companies; another order was made upon the Bennington & Hoosic valley railway covering its grade crossing with the tracks of the Rutland railroad company in the village of Bennington. These orders are on file at the office of the board at Montpelier and it is not deemed necessary to record them at length in this report.

Accidents.

The commissioners in the discharge of their duties under the authority of law have inquired into the causes of all accidents which have occurred during the biennial period June 30th, 1902—June 30th, 1904. A docket of such accidents has been kept by the clerk.

These accident cases are reported in this chapter and have been divided into two classes, viz:

I. Cases in which public investigations have been held.

II. Cases in which a commissioner has inquired into the cause and as far as possible fixed the responsibility, but without public investigations.

I.

PUBLIC INVESTIGATIONS.

IN RE JOSEPH E. CARROLL.

Fatal Accident at White River Junction, on January 24th, 1902.

Public investigation at White River Junction, January 29th, 1902 and August 18th, 1902.

Appearances: Charles P. Tarbell, state's attorney. C. W. Witters, for Central Vermont railway company. Wm. Batchelder, for Carroll family.

REPORT AND OPINION.

Joseph E. Carroll, a switchman employed by the Central Vermont railway in the White River Junction yard, received fatal injuries on January 24th, 1902. The accident occurred about 10 p. m. while Carroll was assisting the crew of a freight train to place some cars upon a side track.

In the necessary yard movements the engine and seven cars were upon a side track. It was decided to move these cars to the main line, leave six, and return the seventh, which was next to the engine, to the side-track. The cars were pulled out on to the main line and backed down. When the cars reached a certain point on the main line the brakeman in charge of the movements gave a stop signal. The engineer obeyed by applying his air-brake at "service." All of the seven cars were equipped with air-brakes and were properly connected. Before the cars came to a full stop, Mr. Carroll, without any orders from the persons in charge of the train, disconnected the couplers between the first and second cars back of the engine. He also shut the cock on the air-pipe on the rear of the car next to the engine. He did not shut the cock on the next car in line. When the couplers were disconnected the cars separated and the air-pipe

between the first and second cars was uncoupled. The air brakes on the six cars were thereby automatically applied at "emergency" and they came to a full stop. The engine and first car, with brake set at "service" ran into the other cars. Either in reaching in between the cars to turn the "cocks," or in an attempt to pass between the cars, Mr. Carroll placed his body between the couplers. When the first car ran against the second he was caught and crushed. He had been warned by the brakeman but he either did not hear, or did not heed the warning.

In the discharge of his duties as switchman, Carroll directed where the cars should be placed but it was not his duty to aid the trainmen in their duties. In uncoupling the cars Carroll went outside his duties and performed a volunteer service. He had been in the employ of the company for some time and knew the danger of passing in between moving cars.

The commissioners find that the fatal accident to Joseph E. Carroll was a result of his own carelessness.

JONATHAN ROSS,

JAS. M. BOUTWELL,

H. S. BINGHAM,

Railroad Commissioners.

Montpelier, Vt., September 4th, 1902.

IN RE PAUL AND LEON LAFORCE.

Accident at Highway Grade Crossing at Richmond, May 18th, 1902.

Public investigation at Richmond, August 20th, 1902.

Appearances: Edmund C. Mower, state's attorney; C. W. Witters for Central Vermont railway company; V. A. Bullard, M. G. Leary for estate of Leon Laforce.

REPORT AND OPINION.

On May 18th, 1902, a north bound passenger train of the Central Vermont railway struck a team at a highway grade crossing just south of the Richmond depot. The occupants of the carriage, Paul and Leon Laforce, were thrown out and the latter received fatal injuries.

The highway crosses the track at right angles. When ap-

proaching the crossing from the east the view of the track to the south is obstructed by a high bank and by a curve in the track. From the west the view is also obstructed by buildings until the traveller is within about three rods of the tracks.

The victims of this accident were on their way to church at Richmond. They approached the crossing from the west. The horse was hard on the bit but was not afraid of the cars. The horse was at a trot when the team passed the buildings which hide the view to the south. From this point the track can be seen for a distance of at least forty rods.

The train whistled for the crossing and also for the station. The bell was ringing at the time of the accident. The speed of the train was not excessive as the train was to stop at the depot. After the danger was discovered it was not possible to stop the train.

From a balance of the testimony the commissioners find that Paul Laforce did not make an effective effort to stop his horse after the train was in sight; that he drove upon the crossing without the exercise of that degree of care and vigilance which a prudent man would have used in like circumstances.

The commissioners are of the opinion that the accident was the result of negligence on the part of Paul Laforce.

Montpelier, Vt., October 27th, 1902.

JONATHAN ROSS,

H. S. BINGHAM,

Railroad Commissioners.

IN RE HENRY D. SABIN.

*Fatal Accident at Elm Street Crossing in City of St. Albans,
May 27, 1902.*

Public investigation at St. Albans, Vt., August 6th, 1902.

Appearances: D. W. Steele, state's attorney for Franklin county. C. W. Witters for Central Vermont railway.

REPORT AND OPINION.

On May 27th, 1902, train No. 12 of the Central Vermont railway, while approaching St. Albans from the north, struck and killed Henry D. Sabin, at Elm street crossing about one-half mile north of the depot.

This train was due at St. Albans at 11 a. m., but on the day of the accident was about fifteen minutes late. It was running at a rate of about twenty-five miles an hour.

There are four tracks crossing Elm street at this point. The train was running upon the west track. Mr. Sabin drove upon the crossing from the east and crossed three tracks before he reached the point of the accident. Disinterested witnesses agree that the whistle was blown and that the bell was rung before the train reached the crossing. Had Mr. Sabin looked in the direction of the train when he drove upon the first or east track he could have seen the train and avoided the accident.

The engineer, being on the side of the engine opposite the team, did not see it until the horse appeared directly in front of the engine.

The commissioners find that the accident was the result of gross carelessness on the part of Mr. Sabin. No blame can be attached to the railroad company or its employees.

JONATHAN ROSS,

JAS. M. BOUTWELL,

H. S. BINGHAM,

Railroad Commissioners.

Montpelier, Vt., August 20th, 1902.

IN RE ALEXANDER LONGWAY AND NEWEL ROBADOOR.

*Accident at Lake Street Crossing, City of St. Albans,
June 4th, 1902.*

Public investigation at St. Albans, Vt., August 6th, 1902.

Appearances: D. W. Steele, state's attorney, Franklin county; C. W. Witters for Central Vermont railway.

REPORT AND OPINION.

About 8:15 p. m. on June 4th, 1902, Alexander Longway and Newel Robadour, with others, were walking over the tracks of the Central Vermont railway at Lake street crossing in the city of St. Albans. The men came upon the crossing from the west. While they were passing the last or easterly track, train No. 5, a fast passenger train from the south, ran over the crossing. Mr. Longway received fatal and Mr. Robadour severe injuries.

The train as it entered the yard sounded a station whistle.

It also sounded crossing whistles for Lake street crossing and for four other crossings south of the depot. All of these signals were given within a mile of the station.

The men supposed that this train had arrived before they reached the crossing. Their attention was taken up with other matters. There were other train movements near the crossing which were attended with considerable noise, and the men paid no attention to the signal bell and did not look or listen for the train. They did not discover the danger until the train was upon them. The train passed over the crossing and entered the depot at a rate of speed between twelve and fifteen miles an hour.

Lake street crossing is a dangerous one. There are so many tracks crossing at grade and the train movements are so numerous that electric bells which protect the crossing are sounding the greater part of the time. It cannot be expected that persons will remain outside the track limits while the bells are sounding. Such a rule would close the street to all traffic during the greater part of the day. This fact, however, does not relieve the traveler of the duty cast upon him by the bell warning. He must take heed and protect himself. On the other hand the Central Vermont railway company cannot fail to take notice of the fact that if a person enters upon the crossing while the bells are not sounding, and the bells are started after he has crossed several of the tracks, that little or no warning is given him by the bell signals.

In the present case whether the speed of the train contributed to the accident cannot be determined. The Central Vermont railway in allowing a passenger train to enter this yard, pass over this crossing and to enter the depot, at such a rate of speed, was guilty of a neglect of duty. Section 3924 of the Vermont statutes provides a penalty for running a passenger train into or through a depot at a rate of speed exceeding four miles an hour. Where the depot, as in this case, is located near a dangerous highway crossing, both the spirit and the letter of the law should be obeyed.

The commissioners find that the negligence of the injured persons was the primary cause of the accident.

Montpelier, Vt., September 4th, 1902.

JONATHAN ROSS,
JAS. M. BOUTWELL,
H. S. BINGHAM,

Railroad Commissioners.

IN RE FRANCIS CLARK, ET ALS.

Fatal Accident near Waterbury, Vt., June 15th, 1902.

Public investigation at Montpelier, August 5th, 1902.

Appearances: Richard A. Hoar, state's attorney for Washington county. C. W. Witters, for Central Vermont railway.

REPORT AND OPINION.

Extra freight train No. 394 of the Central Vermont railway while running north from Middlesex on June 15th, 1902, plunged into a large washout. The engine and seven cars were wrecked and the conductor, engineer, fireman and first brakeman were killed.

The train consisted of an engine and forty-four cars. All except about seven cars were equipped with air-brakes.

The train left Middlesex about 10:10 p. m. and the accident occurred at 10:22 p. m.

On the night of the accident this section of the country suffered severely from one of the heaviest rain storms ever known here. The rain fall was enormous though the storm was of short duration.

At the point of the accident a small brook passed under the track through a covered culvert. This culvert was of ample size to care for any ordinary rise of the brook. On the night of the fifteenth this brook was changed in a very short time into a torrent which carried away the track and a large amount of earth between the track and the river. The washout occurred at a point about 100 feet north of a rock cut and at a point where it was least expected.

It appears from the investigation made at the washout soon after it occurred that the sudden and unusual fall of water was the primary cause of the disaster.

Mr. W. H. Larry, the only surviving member of the train crew, testified that the train, as it passed north from Middlesex, encountered high water at various places but that the track was all in good condition; that the train ran slowly over the track on "Slip-Hill," a dangerous section north of Middlesex; that the conductor and first brakeman were on the engine; that while running at a rate of speed of from fifteen to twenty miles an hour the train, without any warning, plunged into the washout; that

in the discharge of his duty he went back to protect the rear and meeting a section foreman sent him to the scene while he went to Middlesex to give notice of the accident; that while at Middlesex the news came of other large washouts south of that point. Mr. H. C. Gearel, foreman of the section next south of the wreck testified that he was on duty at "Slip-Hill" when notified by brakeman Larry; that he went at once to the place; that the water was then so high that he could not reach the engine, which was four or five feet under water.

Dr. N. N. Grout, who assisted in the removal of the bodies, stated that when he reached the wreck at about one o'clock the water had subsided but the brook above was so high that it was crossed with difficulty. He further stated that the bodies of the victims were removed from the debris at a point on or very near the engine; that death resulted either from the injuries received or from drowning.

The brook in question had never before risen to such a height as to endanger the road-bed and the company had no warning of the danger.

The commissioners, therefore, find that the accident was of such nature that it could not have been foreseen or prevented.

Montpelier, Vt., August 20th, 1902.

JONATHAN ROSS,

JAS. M. BOUTWELL,

H. S. BINGHAM,

Railroad Commissioners.

IN RE ALVIN CLARK AND WILLIAM RASH.

Fatal Accident at Barton Landing, on July 10th, 1902.

Public investigation at Barton Landing, September 18th, 1902.

Appearances: E. A. Cook, for state's attorney. G. B. Young, for Boston & Maine railroad W. W. Miles for representatives of victims.

REPORT AND OPINION.

At Barton Landing, Vt., about 8:25 p. m. on July 10th, 1902, Alvin Clark and William Rash were struck and killed by a south bound express train of the Boston & Maine railroad.

The accident occurred at a dangerous highway crossing in the village of Barton Landing. The young men were in a team and drove a spirited horse. They drove upon the crossing at a good rate of speed and directly in front of the train which was running at about thirty-five miles an hour. The crossing whistle was duly sounded and the bell rung. The engineer, by reason of the darkness and a curve, did not see the team until the engine struck it.

The signals of the approaching train were duly sounded and were heard by persons in the highway and they shouted a warning. The warning was either not heard or was disregarded. A band was playing in the village and there were many persons on or near the highway.

The blind crossing, the speed of the train, the noise and the crowd near the crossing, the spirited horse, and the recklessness of the young men, all contributed to the accident.

The commissioners find that the carelessness of the deceased was the primary cause of the accident.

JONATHAN ROSS,

JAS. M. BOUTWELL,

H. S. BINGHAM,

Railroad Commissioners.

Montpelier, Vt., November 4th, 1902.

IN RE JAMES GRINELS.

Fatal Accident in the City of Barre, on July 15th, 1902.

Public investigation at Montpelier, August 5th, 1902.

Appearances: Richard A. Hoar, state's attorney for Washington county. C. W. Witters, for Central Vermont railway company.

REPORT AND OPINION.

At Barre, Vt., on July 15th, 1902, James Grinels of Barre, while attempting to board a circus train on the Central Vermont railway at Granite street crossing, fell under the wheels and received fatal injuries.

The train left Barre about 1:30 a. m. Grinels, with others, was at the crossing. He made the statement he was going with

the circus. He had been drinking and was warned not to attempt to board the train. When the train passed the crossing it was moving at a low rate of speed and he made the attempt. To one of the witnesses, who talked with him after the accident, he said that the accident was caused by his own foolishness. None of the trainmen saw or knew of the accident until after it had occurred. And no employee of the company knew that he intended to board the train.

The commissioners therefore find that the accident was caused solely by the gross carelessness of the deceased.

JONATHAN ROSS,
JAS. M. BOUTWELL,
H. S. BINGHAM,
Railroad Commissioners.

Montpelier, Vt., August 20th, 1902.

IN RE MORRIS INGALLS.

Accident at Greensboro, August 2d, 1902.

Public investigation at St. Johnsbury, September 17th, 1902.

Appearances: David E. Porter, state's attorney. Harry Blodgett, for St. Johnsbury & Lake Champlain railroad company.

REPORT AND OPINION.

Morris Ingalls, of Walden, Vt., was seriously injured in attempting to walk on the railroad track over a deep washout on the St. Johnsbury & Lake Champlain railroad near Greensboro, on August 2d, 1902. The ties were held up by the spikes holding to the rails. When Mr. Ingalls stepped on one of the ties the spikes pulled out and he fell to the bottom of the washout.

He was a trespasser on the track and the accident was the result of his own carelessness.

JONATHAN ROSS,
JAS. M. BOUTWELL,
H. S. BINGHAM,
Railroad Commissioners.

Montpelier, Vt., November 4th, 1902.

IN RE FRANK WILLIAMS.

Accident at Brandon, June 16th, 1902.

Public investigation at Brandon, Vt., August 21st, 1902.

Appearances: Geo. E. Lawrence, state's attorney; F. H. Button, for Rutland railroad.

REPORT AND OPINION.

At Brandon, Vt., on June 16th, 1902, a train of the Rutland railroad company which was working in the gravel pit, left the rails and Frank Williams, a brakeman, in the employ of the company, was killed.

The accident occurred on a side-track leading into the pit. The engine was backing, or running with the tender forward, and drawing seven cars loaded with gravel. The tender suddenly left the rails, the engine followed and the momentum of the cars forced the engine over on to its side. Mr. Williams was riding on the engine at the time of the accident. He was struck by the frame of the engine and killed.

The tender left the rails on a curve near the foot of a grade and at a point where the track had that day been raised and ballasted.

The engine was of the mogul pattern and at the time of the accident was running at the rate of about four miles an hour. When the tender left the rails the engineer applied the brake at emergency. Two of the cars passed safely the point on the rails where the tender left the track.

The foreman in charge of the workmen who were raising the track on the day of the accident, was not present at the investigation and the commissioners are informed that he has since left the employ of the company.

The commissioners are of the opinion that the poor alignment and surface of the track at the point of the accident, together with the fact that the engine was being run with the tender forward, was the cause of the accident.

JONATHAN ROSS,

H. S. BINGHAM,

Railroad Commissioners.

Montpelier, Vt., November 4th, 1902.

IN RE J. MORRISEY.

Accident at Danby, July 26th, 1902.

Public investigation at Rutland, August 22d, 1902.

Appearances: George E. Lawrence, state's attorney; F. H. Button, for Rutland railroad.

REPORT AND OPINION.

J. Morrisey, a brakeman on the Rutland railroad, fell from the top of a circus train, near Danby, on July 26th, 1902, and was fatally injured.

The train was moving at a low rate of speed when Mr. Morrisey attempted to pass from the top of the forward car to the tender. In so doing he slipped and fell. The wheels of one truck passed over his body. The engineer heard him shout and brought the train to a stop within a few feet.

The commissioners find that the fatal injuries to Mr. Morrisey, were the result of an accident for which no one can be blamed.

It was one which is incident to the dangerous occupation in which this man was employed.

JONATHAN ROSS,
JAS. M. BOUTWELL,
H. S. BINGHAM,
Railroad Commissioners.

Montpelier, Vt., September 4th, 1902.

IN RE DEDDO LABREE.

Accident near Walden Summit, August 8th, 1902.

Public investigation at St. Johnsbury, September 17th, 1902.

Appearances: David E. Porter, state's attorney; Harry Blodgett, for St. Johnsbury & Lake Champlain railroad company.

REPORT AND OPINION.

Deddo Labree, of West Danville, Vt., while walking on the track of the St. Johnsbury & Lake Champlain railroad near

Walden Summit, on August 8th, 1902, was struck and injured by a freight train. The train was an east bound freight of five or six cars, four of which were equipped with air-brakes. Mr. Labree is deaf and dumb and was walking in the same direction as that in which the train was going. The fireman rang the bell and the engineer sounded the whistle but were not able to attract his attention. When the engineer found that Mr. Labree did not notice the train he applied the emergency brake but was not able to stop before the engine struck the man.

Mr. Labree was a trespasser on the track and the accident was the result of his own negligence. He knew that he could not hear an approaching train and should not have placed himself in danger.

JONATHAN ROSS,

JAS. M. BOUTWELL,

H. S. BINGHAM,

Railroad Commissioners.

Montpelier, Vt., November 4th, 1902.

IN RE WILLIAM HUMPHREY.

Fatal Accident at Brandon, August 8th, 1902.

Public investigation at Brandon, August 21, 1902.

Appearances: George E. Lawrence, state's attorney; F. H. Button for Rutland railroad.

REPORT AND OPINION.

William Humphrey, while attempting to board a moving passenger train of the Rutland railroad at Brandon, on August 8th, 1902, received fatal injuries.

The accident occurred at 9:25 p. m. as south-bound train No. 59 was leaving the station.

The conductor had given the signal for the train to proceed and taken his place on board. None of the trainmen saw the accident or knew that it had occurred.

After the train was under headway, the man suddenly appeared upon the platform and attempted to board between the

first and second cars. He grasped the rails but lost his foothold and was fatally injured by the moving train.

The commissioners find that the rash carelessness of the deceased in attempting to board a moving train was the sole cause of the accident.

JONATHAN ROSS,
JAS M BOUTWELL,
H. S. BINGHAM,

Railroad Commissioners.

Montpelier, Vt, September 4th, 1902.

IN RE MISS SOPHIE GOFF.

Accident at Stevens Mills, on August 2d, 1902.

Public investigation at Richford, Vt., September 19th, 1902.

Appearances: W. B. Locklin for state's attorney; F. E. Alfred for Canadian Pacific railroad company, Miss Sophie Goff, pro se.

REPORT AND OPINION.

Miss Sophie Goff of Richford, while driving across the track of the Canadian Pacific railway at Stevens Mills in the town of Richford, on August 2nd, 1902, was struck by a train. The team was demolished but Miss Goff received little or no injuries.

Miss Goff is deaf and did not hear the signals of the train.

The commissioners find that all statute requirements of bell and whistle were duly complied with; that the accident was caused by the defective hearing of Miss Goff; and that there was no neglect of duty on the part of the railroad company or its employees.

JONATHAN ROSS,
JAS. M. BOUTWELL,
H. S. BINGHAM,

Railroad Commissioners.

Montpelier, Vt., November 4th, 1902.

IN RE EDWARD J. PETTY.

Fatal Accident at St. Johnsbury, August 21st, 1902.

Public investigation at St. Johnsbury, September 17th, 1902.

Appearances: David E. Porter, state's attorney; Harry Blodgett for St. Johnsbury & Lake Champlain railroad company.

REPORT AND OPINION.

Edward J. Petty of St. Johnsbury, Vt., was killed in the yard of the E. & T. Fairbanks Co. at that place on August 21st, 1902.

To facilitate the unloading of a flat car loaded with gravel which was standing on a side-track of the St. Johnsbury & Lake Champlain railroad in the foundry yard, Mr. Petty released the forward brake and allowed the car to move down the grade. The brake was equipped with a "T" brake head on a staff which when not in use drops to a level with the floor of the car. Mr. Petty put the ring of an iron lever onto the brake-head. He stood with one foot on the draw-bar and the other on the floor of the car and in this position he governed the speed by releasing and tightening the brake. This brake was in working order but on this occasion the chain did not wind evenly around the brake-spool, part of the links being over the others. The chain slipped and the sudden movement of the brake-staff caused Mr. Petty to lose his hold and fall to the ground in front of the moving car. An attempt was made to trig the wheels and stop the car but the trigs slipped and the wheels passed over or upon Mr. Petty.

Mr. Petty was not in the employ of the railroad company and his act was a volunteer service. The use of the lever on a brake-head is not allowed by the railroad.

The commissioners find that the accident did not occur in the operation of a railroad; and that it was caused solely by the rash carelessness of the deceased.

JONATHAN ROSS,
JAS. M. BOUTWELL,
H. S. BINGHAM,

Railroad Commissioners.

Montpelier, Vt., November 4th, 1902.

IN RE D. J. McCARTY.

Fatal Accident at Bellows Falls, Vt., August 21st, 1902.

Public investigation at Bellows Falls, Vt., November 12th, 1902.

Appearances: Geo. A. Weston, state's attorney.

REPORT AND OPINION.

About 9.40 p. m. on August 21st, 1902, D. J. McCarty, of Dalton, Mass., was found lying on the main-line track of the Vermont Valley railroad, near the south end of the platform of the passenger depot, at Bellows Falls, Vt. He had received injuries which resulted fatally.

A few moments before he was found, three trains or engines had passed south over this track, viz: a special train drawn by the Central Vermont engine St. Lawrence, engine 545 with a caboose, and engine 250 with thirty-five freight cars.

Mr. McCarty died within a few hours after the accident and made no statement as to how it occurred. He was not seen by any of the men in charge of the three trains nor, so far as can be ascertained, by any person.

From the circumstances of the case it is evident that the injuries were inflicted by one or all of the three trains but probably by the freight train.

The man was a trespasser but there is no evidence to show whether he was walking on the track or attempting to steal a ride on one of the trains.

The commissioners find that the accident was caused solely by the negligence of the deceased.

JONATHAN ROSS,
H. S. BINGHAM,
J. M. BOUTWELL,

Railroad Commissioners.

Montpelier, Vt., November 25th, 1902.

IN RE W. WILCOX.

Fatal Accident at Montpelier Junction, September 4th, 1902.

Public investigation at Montpelier, November 25th, 1902.

Appearances: Richard A. Hoar, state's attorney; C. W. Witters for Central Vermont railway; A. H. George for family.

REPORT AND OPINION.

About 7:40 p. m. on September 4th, 1902, extra freight train of the Central Vermont railway company, No. 338, north-bound, reached Montpelier Junction and made a stop for orders. The train consisted of thirty-eight cars. The twenty-six cars next to the engine were equipped with air brakes. When the engine came to a stop near the depot fireman W. Wilcox left the cab and went under the engine to clean out the ash pan. The engineer aided in this by shaking the grates. Mr. Wilcox had just begun his work when there was a sudden shock from the rear and the engine was moved forward about nine feet. This movement of the engine injured Mr. Wilcox so that he died within a few hours.

The two brakemen on duty on this train were not produced at the investigation. The attorney for the company stated that one of these men left the service and that the other was discharged.

The statements of these two men taken by the company and the evidence of the conductor who appeared before this board show that the train was in proper condition when it left the "gravel-pit siding" and later near bridge No. 59, south of the junction. The shock which moved the engine came within three minutes from the time that it was brought to a stop. The shock was felt at the rear of the train. An examination showed that a number of draw-bars and couplings near the rear of the train were damaged. The draw-bars between the 5th and 6th cars from the rear were driven under each other. It is the opinion of the railroad employees that the train parted at this point when it was somewhere between bridge No. 59 and the junction and that the shock which moved the engine was caused by the rear section colliding with the forward part of the train.

The night was dark and the conductor, who was riding in the cab did not know that the train had parted. The two brake-

men were on duty on the top of the train. Brakeman Green stated to the officers of the company that when the train left the gravel-pit he gave the "all-right" signal from the rear but did not get the answer. He also stated that the train had not parted when it passed the bridge.

The commissioners find that the accident was caused by the parting of the train which occurred without the knowledge of the deceased or of the train crew. Mr. Wilcox was killed while in the discharge of his duties and the accident was not caused by any negligence on his part.

Without the evidence of the brakeman the board is unable to say to what extent, if any, the train crew is responsible for the accident. It does not appear that the forward brakeman observed the rear lights so as to know that the train had not parted. The board understands that this was his duty. If he failed in his duty in this respect it was the negligence of a co-employee of the deceased.

JONATHAN ROSS,
JAS. M. BOUTWELL,
H. S. BINGHAM,

Railroad Commissioners.

Montpelier, Vt., November 26th, 1902.

IN RE BENJAMIN ARNOLD.

Fatal Accident at East Putney, Vt, October 6th, 1902.

Public investigation at Bellows Falls, Vt., November 12th, 1902.

Appearances : George A. Weston, state's attorney.

REPORT AND OPINION.

At East Putney, Vermont, on October 6th, 1902, Benjamin Arnold, who was employed by the Vermont Valley railroad as a fireman on a steam shovel, was struck and killed by a work train.

At the time of the accident the work train, consisting of an engine and about thirteen cars, was slowly backing up on the loading track, next to the steam shovel. The shovel was not in

operation and Mr. Arnold was engaged in a friendly contest with one of the workmen. He jumped from the door of the shovel car and started to cross the track. In so doing he placed himself directly in front of the moving cars.

Mr. Arnold was slightly deaf and it was evident that he did not hear or notice the train. His movements were so rapid that there was no time to stop the train and thus avoid the accident.

The commissioners find that the accident was the direct result of carelessness of the deceased and that the Vermont Valley railroad and its employees are not chargeable with any neglect of duty.

JONATHAN ROSS,
J. M. BOUTWELL,
H. S. BINGHAM,

Railroad Commissioners.

Montpelier, Vt., November 25th, 1902.

IN RE. JOHN BISHOP.

Fatal Accident to John Bishop at Newport, September 3rd, 1903.

REPORT AND OPINION.

Pursuant to seasonable notice, investigation was held at Newport on the 11th day of November, 1903, before commissioners Smith, Bingham and Howard. A. W. Farman, state's attorney for the county of Orleans, appeared for the state of Vermont. Cook and Williams represented the relatives of the deceased and John Young appeared for the Boston & Maine railroad.

On the night of September 3rd, 1903, John Bishop was engaged in the discharge of his duties as brakeman on the Boston & Maine railroad. Seventeen cars were standing upon track No. 5 in the south yard at Newport and the train crew was engaged in shifting the three rear cars and the five forward cars from No. 5 track to No. 6 track, with the intention of taking the eight cars to the north yard near the passenger station. The entire train was moved toward the south past No. 5 switch and then backed in on No. 6 track. While near No. 5 switch Bishop took hold of the lever for the purpose of pulling the pin between the third and fourth cars from the rear of the train in order to detach the

three rear cars. Owing to a broken chain the lever failed to pull the pin and Bishop stepped in between the cars while they were in motion. He succeeded in pulling the pin and the fourteen remaining cars, after running north about the length of one car, were pulled over No. 5 switch and five of them backed down on to track No. 5. The five forward cars were then moved south again over No. 5 switch and backed down on No. 6 track. After Bishop stepped in between the cars as before stated he was not seen again until brakeman Theodore Revard discovered his dead body at the first rail joint north of the guard rail on No. 6 track.

The position in which the body of Bishop was found would indicate that he had fallen or was thrown down upon the westerly rail of track No. 6 and one or more cars had run over his body lengthwise. The switch, frog and guard rails were properly blocked in accordance with the law.

The evidence fairly established the fact that the chain which connected the lever with the lock was broken before the accident occurred and that the pin could not be pulled by the aid of the lever. Brakeman Revard testified that he had received orders from his conductor forbidding him to step in between the cars to remove the pin while the cars were in motion. Whether or not Bishop received such orders does not appear. The proper method of removing the pin, as testified by Revard, was to have stopped the train and pull the lever from the other side of the train. Bishop was an experienced brakeman and must have appreciated the danger which he incurred in stepping between the cars of a moving train.

The commissioners cannot hold that this accident was entirely without fault of Bishop himself. Whether the broken chain was attached to a car owned by the Boston & Maine railroad or by a foreign railroad corporation is not of any great importance in determining this case.

There was no evidence tending to show when the chain was broken or that any person in the employ of the Boston & Maine railroad knew that the chain was broken until Bishop himself discovered it in attempting to uncouple the three rear cars on the occasion when he met his death.

In the opinion of the commissioners Bishop assumed an unwarrantable risk in stepping in between the moving cars. The testimony in this case fairly establishes the fact that the Boston & Maine railroad does not require such hazardous service and even if it did, nothing could justify an employee of any railroad

company, under all the circumstances of this case, in attempting to perform the service essayed by Bishop.

It is unnecessary for this board to attempt to settle the question of whether Bishop caught his foot between the car rail and the west rail of No. 6 track or if he fell from some other cause. The location of the first marks of violence upon the rail and the fact that the space between the guard rail and the main rail was securely and properly blocked in accordance with the law, would indicate that Bishop fell from some cause beyond the control of the Boston & Maine railroad.

The commissioners therefore find that the accident which resulted in Bishop's death was caused through no negligence or fault of the corporation which employed him.

Done at Montpelier, Vt., this 3rd day of December, 1903.

FULLER C. SMITH,
H. S. BINGHAM,
GEORGE T. HOWARD,
Railroad Commissioners.

IN RE HOMER A. McDUFFEE.

Accident to Homer A. McDuffee, at Newport, October 10th, 1903.

REPORT AND OPINION.

Pursuant to seasonable notice a public investigation was held at Newport on the 10th day of November, 1903, before commissioners Smith, Bingham and Howard. A. W. Farnham, state's attorney for the county of Orleans, presented the evidence before the board. F. E. Miles appeared for the relatives of the deceased and John Young for the Boston & Maine railroad.

The evidence established the following facts: On October 10th, 1903, Homer A. MacDuffee was engaged in discharging his duties as freight brakeman on the Boston & Maine railroad. His train arrived in Newport about noon and brakeman MacDuffee and Paul Fleming rode the top of the train from the south yard to a point north of the passenger station for the purpose of setting the train in on the freight house track. MacDuffee stood upon the first or second car from the engine and Fleming was on the rear car of the train. In passing by the water

tank, located on the easterly side of the track just north of the passenger station, MacDuffee was struck by the water spout and thrown down on the top of the car. Almost immediately he got upon his feet, climbed down the car to the ground, picked up his cap which had fallen from the car, and went about his ordinary duties. The accident occurred on Saturday and MacDuffee continued his work until his train returned to Lyndonville about six o'clock in the evening; Sunday morning he resumed his work and again rode the train to Newport and return; all this time he complained of no serious trouble of any kind from the accident. On Monday he was unable to work and a physician was called and on Monday evening he died. The immediate cause of his death as established by the testimony of Dr. A. A. Cheney was a rupture of the spleen. The autopsy disclosed no indication of any injury to the brain and only a contusion at the back part of the skull, which, in the opinion of the surgeon, did not contribute to MacDuffee's death. The autopsy developed the further fact that all the organs of the body, except the ruptured spleen were in a healthy condition. The testimony of Doctor Cheney was to the effect that, while the death of MacDuffee might possibly have been the result of the injury received at noon on October 10th, yet his death as the result of a ruptured spleen, such as it was found MacDuffee had, would be expected within twelve or fifteen hours after the rupture. The evidence that MacDuffee lived more than fifty hours after being struck by the water spout and was in discharge of his ordinary duties as a freight brakeman during the afternoon of Saturday and nearly all day Sunday was uncontradicted. No evidence was introduced relative to where MacDuffee was or what he did during the nights of October 10th and 11th.

The evidence presented before the board is not sufficient to justify the commissioners in finding that MacDuffee's death was caused or resulted from the blow he received by coming in contact with the spout of the water tank at Newport on the 10th day of October, 1903. So far as appears from any proof submitted, a rupture of MacDuffee's spleen might have resulted from some violence suffered by him at some later time than the occasion of his being struck by the water spout, and the testimony of Doctor Cheney tended to show that if the rupture had occurred at noon on October 10th, death would have resulted within 12 or 15 hours. On the contrary MacDuffee worked all the next day without complaint of any pain or injury, so far as the testimony

shows. While the testimony of Doctor Cheney is to the effect that MacDuffee's death *might* have been a result of this accident under investigation, the proof is not substantive and no finding of fact can be based upon it. The examination of the water tank and spout disclosed the fact that within a year from the date of this accident the tank and spout had been raised about 12 inches by the Boston & Maine railroad. The reason for this was the use of larger and higher engines making it necessary to raise the tank in order to take water therefrom. The spout does not extend over the running-board on top of freight cars passing by the tank, and a man standing upon the running-board of a freight car could not come in contact with the spout. If he stood between the running-board and the edge of the car nearest the tank he would be obliged to stoop to avoid being struck. There seems to be no mechanical reason why the normal position of this spout cannot be raised, while not in use, to a point where the recurrence of a similar accident would be very improbable. The commissioners recommend that the Boston & Maine railroad make the changes herein indicated and that the same be completed on or before the first day of January, 1904.

Done at Montpelier, Vt., this 3d day of December, 1903.

FULLER C. SMITH,
H. S. BINGHAM,
GEORGE T. HOWARD.

Railroad Commissioners.

IN RE. MRS. T. H. ROLO.

Accident to Mrs. T. H. Rolo at Montpelier on the 17th day of August, 1903.

REPORT AND OPINION.

A public investigation into the cause of this accident was held at the request of counsel for Mrs. Rolo at the office of the board at Montpelier on the 3rd day of December, 1903. All the

commissioners were present. The state of Vermont was represented by Mr. E. M. Harvey, acting state's attorney; S. C. Shurtleff appeared for Mrs. Rolo and Richard A. Hoar for the Barre & Montpelier traction company.

The commissioners find from the evidence produced at the hearing that on the 17th day of August, 1903, Mrs. Rolo, accompanied by a sister, attempted to board a car on the Barre & Montpelier traction company at the junction of Main and Barre streets in the city of Montpelier. After the car turned the corner of the two streets mentioned, and while on its regular trip to Barre, it stopped to take on and let off several passengers.

Mrs. Rolo started to board the car opposite the smokers' seats near the rear of the car, and when upon the running board attempted to move forward to another vacant seat and while doing so fell to the ground and severely sprained and injured her wrist. The testimony of passengers on the car, as well as the evidence of two conductors and the motorman, all tended to establish the fact that the car, from the moment Mrs. Rolo attempted to board it until after the accident happened, was standing still. Mrs. Rolo testified that while on the running board and before she fell to the ground, she heard the gong sound a starting signal, but she could not say that the car actually started or that her fall was a result of any movement of the car. Just before the accident it had been raining and the running board was more or less slippery; Mrs. Rolo is an elderly woman and while attempting to board the car she held in one hand a parasol. She was not assisted in any way by any employee of the company or by her companion. She is now unable to say just what caused her to fall, unless as she testified, it was the starting of the car.

But the commissioners find from all the testimony in the case that the car was not in motion and that there were no defects of any kind about the car that in any manner contributed to the accident. That no act or omission of any duty on the part of any employee of the company contributed to the accident. Conductors of electric cars sometimes assist ladies to get upon their cars; but there is no duty imposed upon them to perform this service other than the requirements of their company or the motives of politeness and courtesy that actuate every gentleman. Failure to observe this quite common rule of behavior cannot charge either the company or its employees with negligence.

The commissioners find that the accident occurred through no fault of the Barre & Montpelier traction company or its ser-

vants or employees and that the injuries sustained by Mrs. Rolo were the result of causes beyond the control of said company or its employees who were engaged in the operation of its car.

Done at Bennington, Vt., this 15th day of December, 1903.

FULLER C. SMITH,

H. S. BINGHAM,

GEORGE T. HOWARD,

Railroad Commissioners.

IN RE SETH DEAN.

Fatal Accident to Seth Dean at Castleton, December 3rd, 1903.

REPORT AND OPINION.

Pursuant to seasonable notice a public investigation into the causes of this accident was held at Castleton, December 16th, 1903. There were present all the commissioners: W. H. Preston, state's attorney for the county of Rutland, appeared for the state of Vermont; T. W. Moloney represented the Delaware & Hudson company, and Joel C. Baker appeared for relatives of the deceased.

Fourteen witnesses were produced before the board and their evidence taken. The facts established by the testimony are these: At about ten o'clock in the forenoon of December 3rd, passenger train No. 11 east bound, was approaching the station at Castleton. At the "creamery crossing" so called, the train struck a team being driven by Seth Dean and he was instantly killed. Just before reaching the crossing there is a reverse curve in the line of track and the view of the crossing is obstructed by an old building standing just west of the highway and between the main line and a switch track where freight cars are loaded and unloaded at Castleton. Mr. Dean approached this crossing from the north and drove upon the crossing unconscious of the close approach of the train. A short distance westerly there are two other grade crossings at which the usual signals by whistle and bell were given; then a long blast of the whistle was blown for the creamery crossing and the station. The bell, operated automatically by air, was ringing. No effort was made to stop the train because the engineer did not see Mr. Dean or his team until the horse was struck and thrown to the right of the track.

The engineer, from his position on the engine, cannot command a view of this crossing until within a very few feet of it and when at that point a view of Mr. Dean was further obstructed by the front part of the engine.

The commissioners conclude that Mr. Dean was in fault in attempting to make this dangerous crossing, with which he was shown to be familiar, without first assuring himself that no train was approaching from either direction. The exercise of common prudence on the part of Mr. Dean would have averted the accident and no person is wholly blameless for such an accident who deliberately drives upon a railroad crossing without looking and listening for the approach of a train. We find that the engineer, in the exercise of a discretion which we think unwarrantable, sounded only one long blast of the whistle for both this crossing and the station. The law is fully complied with by the ringing of the bell and without any blast from the whistle, but the almost universal custom in this state is to blow two long and two short blasts of the whistle when approaching a highway grade crossing. The fact that a station is located near the crossing furnishes no reason for omitting the usual signal, and the better practice is to blow for both crossing and station.

The crossing where the accident occurred is a very dangerous one. There is considerable traffic over it and from the north the approach is up a considerable grade. Some of the obstructions to the view cannot be eliminated without large expense and other safeguards must be adopted to make this crossing reasonably safe to the traveling public.

It is ordered that the Delaware & Hudson company install, maintain and operate at the crossing where this accident occurred an electric bell crossing signal, operating automatically upon the approach of a train from either direction, and that the same be established in working order to the satisfaction of this commission on or before the 1st day of March, 1904.

Done at St. Albans, Vt., this 19th day of December, 1903.

FULLER C. SMITH,
HENRY S. BINGHAM,
GEORGE T. HOWARD,

Railroad Commissioners.

IN RE H. D. HOLT.

Fatal Accident to H. D. Holt at West Rutland, October 17th, 1903.

REPORT AND OPINION.

A public investigation into the causes of this accident was held at Rutland, Vt., on the 16th day of December, 1903. W. H. Preston, state's attorney for the county of Rutland, appeared for the state of Vermont; the Delaware & Hudson company was represented by T. W. Moloney.

At about four o'clock on the afternoon of October 17th, 1903, passenger train No. 56 west bound from Rutland was approaching West Rutland. At a grade crossing located about 50 rods east of the station this train struck and instantly killed H. D. Holt, a resident of the village of West Rutland. Mr. Holt was a man 72 years of age and somewhat deaf; he was approaching the crossing where the accident occurred on foot and had nearly crossed the track from the northerly side thereof when he was struck by the train. The evidence conclusively established the fact that the crossing whistle was blown at the usual point and in addition thereto the station whistle was blown, the bell was rung and several sharp blasts of the whistle were blown to alarm Mr. Holt when it appeared that he would make the attempt to cross in front of the train. The track at this point is a straight line for more than a half mile in either direction from the crossing and the approach of the train was plainly observed by a witness who stood within a few feet of the crossing at the time the accident occurred. Mr. Holt seemed to have no knowledge of the approach of the train and the efforts of engineer John Grady failed to arouse in him any sense of danger. An emergency application of the air brakes failed to stop the train in time to prevent the accident.

The commissioners conclude that the accident was caused by the fault and neglect of the deceased and that no blame attaches to the Delaware & Hudson company or any of its employees.

Done at Bennington, Vt., this 19th day of December, 1903.

FULLER C. SMITH,

H. S. BINGHAM,

GEORGE T. HOWARD.

Railroad Commissioners.

IN RE J. MAHONEY.

Head Collision near Shelburne, January 2nd, 1903.

REPORT AND OPINION.

The scene of the accident was visited by commissioners Smith and Bailey on January 3rd, 1903, and a public investigation into the cause thereof was held at Shelburne on January 9th, 1903, pursuant to reasonable notice to all parties interested. M. G. Leary, state's attorney for the county of Chittenden, appeared for the state of Vermont, and presented the evidence to the commissioners. The Rutland railroad was represented by P. M. Meldon, attorney, and Frank E. Miles appeared for Mrs. C. J. Hoyt, Mrs. J. C. Babcock and Alice Chase. The friends and relatives of Mahoney, Fitzpatrick, and Cowee were represented by T. W. Moloney.

The evidence disclosed the following facts. On the afternoon of January 2nd, 1903, engineer Cowee, brought a work train from Rutland to Shelburne, which train under charge of Morton E. Parris as conductor, was engaged in delivering supplies at various stations between Rutland and Burlington. The train arrived at Shelburne at about 3:50 p. m. At about 4:25 p. m. engineer Cowee, fireman Chase and brakeman Cochran went to Burlington with the detached engine for the purpose of getting water, cleaning the fire and turning the engine, expecting to return to Shelburne, pick up the caboose of the work train and one car of salt, and return with them to Rutland the same night. Cowee reached Burlington with his engine and was ready to return to Shelburne at about 5 o'clock. He went to the dispatcher's office in the freight depot and there received the following: "Order 41. January 2nd. To the Conductor and Engineer, 192 Burlington: Engine 192 will run extra Burlington to Rutland; meet 21 at Vergennes, 27 at New Haven Junction." This order was given at 5:00 o'clock p. m. and was O. K'd. and made complete at 5:06. Engineer Cowee signed for the order and received two copies of the same. He registered "out" on the register book kept in the same office at 5:10 p. m., and started for Shelburne with fireman Chase and brakeman Cochran on the engine with him.

Train No. 65 was the so-called north-bound flyer, and express and passenger train due to leave Shelburne at 5:18 p. m. On January 2nd, 1903, this train left Shelburne at 5:18½; 30 seconds

late. At a point about a mile north of Shelburne station, and near a curve where the track passes around a point of high land, this train collided with engine 192. Engineer Mahoney and fireman Fitzpatrick of No. 65, and engineer Cowee, fireman Chase, and brakeman Cochran of engine 192 were all killed.

At the time of the public investigation, January 3rd, 1903, it was rumored that engine 192 had been ordered from Burlington to Shelburne by Dr. W. Seward Webb, president of the Rutland railroad company, for the purpose of taking his private car from Shelburne to Rutland on its way to New York. On the day of the accident Doctor Webb was at his home, at Shelburne Farms, and immediately went, with Dr. L. M. Bingham to the scene of the accident, rendering such aid to the injured as was in his power.

Afterwards, and before the public investigation of January 9th, Drs. Webb and Bingham left the state, and did not return so that their testimony could be taken before the commission until sometime late in the month of December, 1903. The report upon this accident has been delayed for the purpose of procuring the testimony of these witnesses. The commissioners find that no orders were ever given by Doctor Webb, or any one in his employ to engineer Cowee, or any one else concerning the movements of engine 192, and that engineer Cowee was on his way from Burlington to Shelburne for the sole and only purpose of picking up the caboose of the work train and the car of salt, and returning with them to Rutland as hereinbefore stated. From all the evidence in the case, and after a diligent and thorough investigation on the part of the commissioners, and the state's attorney of Chittenden county, these facts are conclusively established.

The evidence further developed the fact that telegraph operator F. E. Tynen who procured the order for Cowee, failed to report to the dispatcher's office in Rutland, Cowee's departure from Burlington, until after the accident had occurred. Cowee registered out of Burlington at 5:10 p. m.; if he had been promptly and immediately reported out by operator Tynen, it would have been possible for the dispatcher at Rutland to have discovered the error Cowee had made in attempting to reach Shelburne before 5:18, the time the flyer was due to leave, and then wired Shelburne to hold the flyer until Cowee should arrive. There were 8 minutes and 30 seconds in which to do this. Only under the most favorable circumstances could the report of Cowee's de-

parture from Burlington and the order to hold the flyer at Shelburne have been accomplished within this period of time. And so the commissioners are reluctant to conclude that the highest degree of efficient service on the part of operator Tynen of Burlington and the dispatcher's office at Rutland, would have prevented this unfortunate accident. But the evidence established the fact that operator Tynen failed to perform his whole duty in reporting the departure of Cowee from Burlington. Rule 222 of the Rutland railroad company, provides as follows: "Operators will promptly record and report to the train dispatcher's office the time of departure of all trains and the direction of extra trains."

Operator Tynen's testimony covering what he did in respect to reporting Cowee out of Burlington was unsatisfactory. His testimony was to the effect that the Rutland railroad company had only one wire for service, for train orders, between Burlington and Rutland. That frequently this wire is being used by other operators along the line at times when he has occasion to use it; that he was not expected to "break in" for the purpose of reporting the departure of a train, and that this custom and practice was known to his employer; that on the occasion in question, as he claims, the wire was in use and that when he finally attempted to report Cowee out of Burlington, the wreck of the collision had broken down the wires and it was impossible to get the dispatcher's office in Rutland. Such state of facts, if they exist, called first for additional wire service for the Rutland railroad company, and second for the enforcement of rule 222 which requires operators to "promptly record and report to the train dispatcher's office, the time of departure of all trains." The rule is strong enough in its terms, and operators everywhere upon the system should be required to observe it. It seems to be a necessary rule in order that the train dispatchers at headquarters may know at all times the location of every train upon the road and be informed of every train movement. There was lack of care and due diligence on the part of the Rutland railroad company in respect of the efficiency of the wire service and in the lack of observance by operator Tynen of rule 222, which amounts to positive negligence.

But the primary cause of this accident must be charged to engineer Cowee. It was his duty to know that train 65 was due to leave Shelburne at 5:18 and that it was impossible for him to leave Burlington at 5:10 in time to clear No. 65 under the terms

of the rule which required him, under the circumstances of this case, to clear No. 65 at Shelburne 5 minutes before No. 65 was due to leave. No. 65 was a train of superior class and held the right of way. The duty of engineer Cowee was clear and imperative. In the absence of special orders, he had no right to assume that No. 65 would leave Shelburne at any time later than 5:18. In the face of these facts, Cowee attempted to make Shelburne before No. 65 could reach there. Whether or not he forgot No. 65 is a question, inquiry into which is purely speculative. The same is true of any investigation into what fireman Chase and brakeman Cochran understood concerning the movements of engine 192.

The commissioners conclude, therefore, that the cause of this accident was due to the neglect of engineer Cowee and his failure to protect No. 65 and himself by remaining at Burlington until No. 65 had passed him, or until he had received special meeting orders upon it. The insufficiency of the wire service at the disposal of operators between Burlington and Rutland, and the neglect of operator Tynen to promptly report the departure of engine 192 from Burlington are defects in the system employed by the Rutland railroad company in the movement of trains which have developed in the course of this investigation, but this accident cannot be attributed thereto.

Done at Montpelier this 20th day of January, A. D., 1904.

FULLER C. SMITH,
HENRY S. BINGHAM,
GEORGE T. HOWARD,
Railroad Commissioners.

IN RE VICTOR SHACKETT.

Accident to a Team Driven by Victor Shackett at Leicester Junction on the 2nd day of February, 1904.

REPORT AND OPINION.

A public investigation into the cause of this accident was held before the commissioners at Leicester Junction on the 10th day of March, 1904. James B. Donoway, state's attorney for the county of Addison, appeared for the state of Vermont; the Rutland railroad was represented by H. H. Powers.

This accident is not of such a character as ordinarily to require a public investigation by this commission. No person was injured and the loss consisted solely of a span of horses belonging to O. C. Huntley. But the accident occurred at a dangerous highway crossing located just north of the northerly end of the passenger depot at Leicester Junction.

Victor Shackett, with two other men, were engaged in unloading a car of wood and at the time of the accident were passing from the easterly to the westerly side of the crossing. The view of the main line of the Rutland railroad to the north and south of the crossing was obstructed by cars standing upon the side track just east of the main line. The evidence established the fact that Shackett did not stop, look or listen for the approach of a train before attempting to make the crossing. His horses were struck by a south-bound freight train and were instantly killed while he and his two helpers escaped without injury. It is the duty of every person, under such circumstances, to use such precaution as is necessary to protect themselves from injury, and the commissioners find that Shackett was negligent in this respect and that the accident was therefore caused by no fault of the Rutland railroad company, its agents or servants.

The approaches to this crossing pass between buildings standing very close to the main line track of the Rutland railroad on the westerly side and the view from the east is obstructed almost constantly by freight cars standing upon the two sidings located easterly of the main line and also by buildings located close to the easterly side track. There is a large amount of travel over this crossing and in the opinion of the board it should be better protected.

It is therefore ordered that the Rutland railroad company erect and install at this crossing an automatic electric bell equipped with such appliances as will automatically operate it when a train is approaching said crossing from either direction upon the main line and also upon the Addison branch and that said electric bell be erected and installed by the Rutland railroad company and at the expense of the Rutland railroad company on or before the 15th day of May, 1904.

Done at St. Albans this 25th day of March, 1904.

FULLER C. SMITH,

H. S. BINGHAM,

GEORGE T. HOWARD,

Railroad Commissioners.

IN RE COLLISION.

Collision at Bolton on January 3rd, 1904.

REPORT AND OPINION.

A public investigation into the causes of this collision was held at the office of the board in the state house at Montpelier on the 4th day of February, 1904, at which hearing were present all the commissioners, M. C. Leary, state's attorney for the county of Chittenden; and C. W. Witters for the Central Vermont railway company.

On the morning of January 3rd, 1904, No. 6 train, the night express south-bound, arrived at Bolton at 12:02 a. m. nearly one hour late. At Essex Junction engineer John Holland received the following order: "Number 6 will wait at Bolton till one o'clock for No. 848 north."

Engineer Holland testified that when approaching Bolton he looked at his watch and found that it was already past one o'clock and that he had no duties to perform in connection with the order, the time limit for his wait at Bolton for No. 848 having expired. He proceeded without making a stop at Bolton. At the south switch his train came in collision with No. 848, a freight train north-bound, which was partially in on a side track. The conduct of engineer Holland was proper and in pursuance of the terms of his order.

Engineer Kenyon of No. 848 received at Waterbury an order to the effect that No. 6 would wait for No. 848 at Bolton until one o'clock. No. 848 reached the south switch at Bolton, according to the testimony of engineer Kenyon at 12:54. No. 96 a south-bound freight train, was occupying the siding. Brakeman Andrews riding on the head end of 848, testified that engineer Kenyon directed him to ask No. 96 to back up; engineer Kenyon's evidence was to the effect that he told brakeman Andrews to go out and signal No. 6 and that he (Kenyon) would ask No. 96 to back up so that he might get his train in on the siding. The board will not attempt to reconcile this conflicting testimony.

It was shown by other testimony that brakeman Andrews did ask engineer Flint on No. 96 to back up his train; but it also appeared that there was not room enough on the siding for both trains, so that if there had been time to back up before the arrival of No. 6 the collision would not have been averted unless No. 6

was signaled to stop. From all the testimony in the case the board is constrained to find that engineer Kenyon did not arrive at Bolton south switch until later than 12:54. His own testimony and that of Andrews agree that immediately upon their arrival Andrews turned the switch and went to ask engineer Flint of No. 96 to back up his train. Engineer Flint testified that in less than a minute after Andrews spoke to him and before he had time to start his train back, No. 6 passed him and struck No. 848 which had started in on the siding. It is highly improbable that Andrews consumed eight minutes in turning the switch and carrying word to engineer Flint.

The conclusion of the commissioners, therefore, is that engineer Kenyon was in fault in attempting to reach Bolton before the arrival of No. 6 or before one o'clock. He should have remained at Waterbury until after No. 6 had passed that point. The rule required him to clear the main line at Bolton five minutes before one o'clock and that he should allow a certain time for variations in watches. He failed to meet the requirements of the rule and must assume the consequences.

Done at Montpelier, Vt., this 7th day of April, 1904.

FULLER C. SMITH,

H. S. BINGHAM,

GEORGE T. HOWARD,

Railroad Commissioners.

IN RE FRANK SILVER.

Fatal Accident to Frank Silver at Bellows Falls, March 30th, 1904.

Upon notice to all persons interested the commissioners met at Bellows Falls on the 13th day of April, 1904, for the purpose of investigating the causes of this accident. George A. Weston appeared for the Bellows Falls & Saxton's river railroad company.

At about 10 o'clock on the evening of March 30th, 1904, Silver fell or slipped from the terrace of a lawn adjacent to the track of the street railway company and in front of a residence in the village of Bellows Falls. At the same moment a car rounded a curve at that point and before it could be stopped Silver was struck and suffered injuries from which he died the next day.

The investigation included an accounting of Silver's whereabouts and acts during the entire day of March 30th. From the testimony the commissioners conclude that Silver had been drinking heavily and continuously during the day and evening and that he was under the influence of liquor when the accident happened. The head light on the car was lighted and the gong was sounded by the motorman. Every effort was made to stop the car and the fender was seasonably dropped. No blame attaches to any employee of the Bellows Falls & Saxton's river street railroad company. Silver made no effort to get off the track after being warned by the gong of the approach of the car.

Done at St. Albans, Vt., this 19th day of April, 1904.

FULLER C. SMITH,

H. S. BINGHAM,

GEORGE T. HOWARD,

Railroad Commissioners.

IN RE DERAILMENT.

Derailment of Passenger Train at Proctor on the 3rd day of April, 1904.

REPORT AND OPINION.

A public investigation into the cause of this accident was held by the commissioners at Rutland on the 14th day of April, 1904. The state of Vermont was represented by W. E. Farnsworth, acting state's attorney for the county of Rutland; H. H. Powers appeared for the Rutland railroad company.

On the morning of April 3rd, 1904, passenger train No. 51 due to leave Rutland at 2:10 a. m. was derailed at a switch just north of the passenger station at Proctor, the three rear sleeping cars leaving the track and plunging into a number of freight cars standing on the sidings located on either side of the main line near the mills and offices of the Vermont Marble Company. The commissioners examined the track and road-bed at this point where the derailment occurred and found both track and road-bed in first class condition. The derailment was caused by a broken switch spindle. The jar of the passing train opened the points of the switch and the trucks of the three rear sleeping cars took the side track. Before the train was brought to a stop

the forward sleeper regained the main line; the other two sleepers were badly damaged, several freight cars were practically demolished and two colored porters were slightly injured.

The probable cause of the breaking of the switch spindle was a flaw in the upright iron spindle of the Ramapo switch doing service at this place. This flaw was in such a location that it could not be discovered by any ordinary inspection at the time the switch was placed in service. The Ramapo switch is a standard switch in use upon many of the best equipped railroads in the United States and is of modern pattern and construction.

The commissioners find that the accident occurred from an unavoidable cause and was not due to any omission or neglect of duty on the part of the Rutland railroad company, its agents or employees.

Done at St. Albans this 19th day of April, 1904.

FULLER C. SMITH,

H. S. BINGHAM,

GEORGE T. HOWARD,

Railroad Commissioners.

IN RE DERAILMENT.

Derailment of Train near Cambridge, March 19th, 1904.

REPORT AND OPINION.

Pursuant to notice to all parties interested a public investigation into the causes of this accident was held at Cambridge on the 25th day of March, 1904, all the commissioners being present. The evidence before the board was presented by F. G. Bicknell, state's attorney for the county of Lamoille; C. W. Witters appeared for the Central Vermont railway company; H. F. Brigham for Guy H. Start, Henry Stinson and Geo. Wescott.

The accident occurred at 10 o'clock in the forenoon and at a point about one and one half miles west of Cambridge. No. 12 train consisted of a combination baggage and mail car, a smoking car and a coach. All three cars were derailed and tipped over; they were prevented from going down an embankment into the Lamoille river by trees growing on the embankment. Twelve persons were more or less seriously injured.

A large number of witnesses were examined, both experienced

railroad men and others, in an endeavor to fix beyond question the cause of the derailment. The testimony showed, and an examination of the place where the accident occurred, established the fact conclusively that the accident was not caused by the spreading of the rails. While the road-bed on this branch is rough from the action of the frost at this season of the year, and while there are numerous decayed ties at frequent intervals the careful examination of the road-bed at the scene of the accident, made by the commissioners, disclosed the fact that every tie for the distance of 100 feet or more where the wheels first left the rails is sound and the rails securely spiked. The ballast was put on during the season of 1903 and is of first-class quality and sufficient in quantity. The tie renewals on this branch between Cambridge Junction and Essex Junction during the season of 1903 aggregated 5,820 or 224 to the mile. This number the commissioners believe is too small for the requirements of the road. Where ties are decayed they are almost without exception, flanked upon either side by a sound tie.

The derailment occurred on a curve. The first wheel marks visible upon the ties were upon the outside of the rail on the outside of the curve, showing conclusively that in some way the wheels climbed over the rail and did not drop off by reason of the spreading or displacement of the rail. The rail at the point where the derailment occurred and the next two rails west were not displaced and were not in any respect disturbed after the accident and before the examination on March 25th. The next three or four rails west, were out of place and off the road-bed and under the wreck.

The employees of the Central Vermont railway company who testified at the hearing were all unable to give any reason or cause to which the derailment can be attributed. No other witnesses professed to be able to tell with any degree of definiteness the primary cause of the derailment. The testimony as to the speed of the train varied materially. One passenger estimated it at nearly 40 miles an hour; the engineer, conductor and brakeman placed it as low as 15 miles per hour. The actual running time between Cambridge Junction and Essex Junction a distance of 26 miles is one hour and fifteen minutes with from five to seven stops. The commissioners conclude that the speed of the train at the time of the derailment was not unusual or unsafe.

At a point about seventy-five feet east of the first wheel marks on the ties there was a rail joint quite badly heaved by

the action of the frost. This was on the outside of the curve. The rails on the inside of the curve were not affected by the frost. On either side of this high rail joint shims two and one-half inches in thickness had been placed under the rails to bring them up to the level of the high joint. These shims were new and were apparently properly placed, but the rail joint was still higher than the surface of the rail on either side of it.

The rail on the inside of the curve being low and level, the track, at this rail joint, was uneven and the passage of a train over it at almost any rate of speed would be accompanied with more or less jolting and lurching of the cars, whether sufficient, in the case under consideration, to cause the derailment the commissioners are unable to say. No other facts brought out in the testimony introduced before the board furnish any satisfactory or sufficient cause for the derailment, and the board is unable to place the responsibility any more definitely than is above indicated. The physical condition of the entire line from Essex Junction to Cambridge Junction is not in all respects what it should be; but the fault is more in the lack of proper surfacing, and alignment than in ballast of the road-bed or decayed ties. This work can not be done while frost is in the ground, but the commissioners recommend that during the season of 1904 this branch line be thoroughly surfaced and aligned, and that new ties replace all that are decayed.

Done at St. Albans this 19th day of April, 1904.

FULLER C. SMITH,

H. S. BINGHAM,

GEORGE T. HOWARD,

Railroad Commissioners.

IN RE FRED FOY.

Fatal Accident to Fred Foy near Newport, April 13, 1904.

REPORT AND OPINION.

A public investigation into the cause of the death of Fred Foy was held at Newport, on the 4th day of May, 1904. All the commissioners were present. A. W. Farman, state's attorney for the county of Orleans, appeared for the state of Vermont. George B. Young represented the Boston & Maine railroad.

The evidence disclosed the fact that Fred Foy was run over by a passenger train at a point about two miles south of Newport

station on the morning of April 13th, at about seven o'clock. Foy was lying between the rails with one foot upon the west rail. The train was stopped before it entirely passed over him. Examination of the body showed that Foy was dead before the train struck him.

An exhaustive inquiry into the whereabouts of Foy the night before the accident showed him to be in the company of one William Merritt, of Newport, and that both were intoxicated for the greater part of the night. Merritt and Foy parted company, according to the testimony of Merritt, about four o'clock in the morning, and no person, so far as the evidence showed, saw Foy after that time until he was found upon the track as above stated. Two physicians testified that Foy was probably dead when the train struck him. A theory was advanced that Foy, who was shown to have been in the immediate vicinity of the railroad track a mile or more north of where his body was found two or three hours previous to his death, attempted to board a moving freight train and was thrown upon the track and killed.

The commissioners can only find that Foy was not struck or killed by reason of any fault or neglect of any employee of the Boston & Maine railroad connected with the operation of the train that discovered his body and partially passed over it. If the death of Foy was accidental it doubtless was caused by his own careless act and was due to intoxication.

Done at St. Albans, Vt., this 10th day of May, 1904.

FULLER C. SMITH,

H. S. BINGHAM,

GEORGE T. HOWARD.

Railroad Commissioners.

IN RE M. A. GARLAND ET AL.

Head Collision four and one-half miles South of Montpelier Junction on the 8th day of March, 1904.

Upon seasonable notice to all parties interested, a public investigation to ascertain the cause of this accident was held at the office of the board at Montpelier on the 16th day of March, 1904; further hearing was held at St. Albans on the 19th day of April, 1904, John H. Senter appeared for the state of Vermont, C. W. Witters for the Central Vermont railroad company, and at the

adjourned hearing in St. Albans, C. G. Austin & Sons appeared for the relatives of M. A. Garland and William Manchester.

Train No. 1 due to leave White River Junction at 12:40 a. m. on March 8th received the following order: "March 8th, 1904. C. and E. of No. 1 and engine 851 W. R. Junction. No. 1 will carry signals W. R. Jet. for engine 851. No. 6 will meet one section No. 1 at Braintree, will wait at Randolph until 2:25 a. m. for second No. 1. Signed M. M. by Mansfield. O. K. 12:45 a. m. Conductor M. O'Day; Engineer McConnell, 1 of 1. Complete, 12:45 a. m. Kent conductor; Donovan engineer, second section of 1; complete 12:51 a. m." This order was also received by conductor Kent and engineer Donovan of second No. 1.

At Montpelier Junction conductor O'Day of No. 1 removed the signals which he carried in pursuance of this order and personally communicated the fact of their removal to the operator, Edward W. Glasgow, in charge of the station at Montpelier Junction. No. 1 train proceeded on its way, and passed No. 96, a south-bound freight train, at Bolton. The next registry station north of Montpelier Junction is Essex Junction. Montpelier Junction is not a registry station. No notice of the fact that No. 1 carried signals for second No. 1 to Montpelier Junction was communicated to No. 96 at Bolton by the conductor or engineer of No. 1.

The agent or operator at Montpelier Junction and the conductor and engineer of No. 1 were governed, under the circumstances above set forth, by rule 412, which reads as follows: "When signals displayed for a following train on single track are taken down at any point before the following train arrives, where there is no register, the conductor must inform the agent and operator, and the latter must, unless there is some other provision for the purpose, display the train order signal and notify all trains not having a right over the signalled train, and the conductor must notify all trains of the same or inferior class he may meet until he reaches the next register station, where he will enter on the register that he wore signals to such a station."

Conductor O'Day performed this duty. Operator Glasgow neglected to display his order signal and permitted train No. 96 to pass Montpelier Junction before second No. 1 arrived. It was the further duty of conductor O'Day to notify No. 96, which he met at Bolton, that his train wore signals to Montpelier Junction but conductor O'Day testifies that he did not know that he met any train at Bolton. Engineer McConnell testifies that he knew

that No. 96 was standing at Bolton when No. 1 passed that station, but that he believed that the information given the operator at Montpelier Junction by conductor O'Day was sufficient, and that it was unnecessary to stop and notify No. 96 of the fact that a second section of No. 1 was following for which first No. 1 wore signals to Montpelier Junction. Engineer McConnell assumes responsibility for this neglect to notify No. 96, because rule 420 provides that conductors and enginemen will be held equally responsible for the violation of any of the rules governing the safe movement of trains. Under this rule, it was the duty of engineer McConnell to, in some manner, notify No. 96 of the fact that No. 1 wore signals for a second section to Montpelier or procure such notification on the part of his conductor.

The collision therefore occurred primarily by reason of the failure and neglect of Edward W. Glasgow, operator at Montpelier Junction to hold No. 96 until the arrival of second No. 1 and secondarily because of the failure of engineer McConnell to notify, or procure the notification of No. 96 at Bolton.

Conductor O'Day and engineer McConnell are men of long experience in railroad service, capable and trustworthy. For their failure to notify No. 96 at Bolton, they offer no excuse themselves and the commissioners do not seek to lessen the responsibility that attaches to them. But the chief responsibility for this unfortunate accident must fall upon operator Glasgow. He was not a witness before the commission, having by his own act severed his relations with the Central Vermont railway company, and taken himself beyond the reach of process to compel his attendance as a witness. Glasgow did not remember what conductor O'Day told him about the removal of signals from No. 1 and permitted No. 96 to pass Montpelier Junction in the face of second No. 1 approaching from the south. This operator was a young man just past 22 years of age, with comparatively small experience as an operator, and, so far as the case showed, with no experience at an important junction point like Montpelier Junction. Glasgow had been in the employ of the Central Vermont railway company only about one month, the first two weeks of which was at Northfield. In the judgment of the commissioners, an error was made by the railroad management in entrusting the duties of so important a station to the care of a man so young and whose capacity and fidelity were so little-known to his employers. Glasgow did not think, and a distressing accident resulted. His incompetency may not have extended to the business of trans-

mitting and receiving orders by telegraph, but other qualifications should be required of an agent upon whom rests, in so large measure, the responsibility for the safe movement of trains.

The commission has no power over the employment of men by a railroad company, and no order of the board requiring any employee to perform his duty can be of any avail. The discipline which insures efficiency in railroad service must be enjoined by the railroad management which is closely in touch with its employees.

Done at St. Albans, Vermont, this 14th day of May, A.D., 1904.

FULLER C. SMITH,

H. S. BINGHAM,

GEORGE T. HOWARD,

Railroad Commissioners.

IN RE A. L. RANNEY ET AL.

Fatal Accident to A. L. Ranney and Personal Injury of J. Ryan, R. J. Farr, H. Willett, J. M. Tierney, and D. A. Parker at Milton on the 7th day of May, 1903.

REPORT AND OPINION.

A public investigation into the causes of this accident was held at Milton on the 22nd day of May, 1903, and at St. Albans on the 5th day of June, 1903. All of the commissioners were present. The state of Vermont was represented by M. G. Leary, state's attorney for the county of Chittenden; C. W. Witters appeared for the Central Vermont railway company and E. A. Ashland appeared for the heirs of A. L. Ranney.

This accident was a head collision of two freight trains on the main line of the Central Vermont railway a few hundred feet north of the north switch at Milton. As near as could be determined it occurred at 6:08 o'clock a. m. Number 91 was a regular north-bound freight train in charge of conductor J. O'Heare and engineer J. Ryan. Number 850 was an extra south-bound freight train in charge of conductor J. C. Hurley and engineer D. A. Parker. Number 91 left Essex Junction at about 5 o'clock a. m. and number 850 left the north yard at St. Albans at about the same time. Before starting each received the following order:

Form 31. CENTRAL VERMONT RAILWAY CO.

Telegraphic train order No. 24. May 7th, 1903.

To C. and E. of No. 91 and extra 329 at Essex Junct., and Eng. 850, Italy.

Engine 850 will run extra St. Albans to Essex Junction and has right of track to Essex Jct. over 91 and Extra 329 north but will wait at Milton until six a. m. for 91 and extra 329 north.

M. M. Supt. of Telegraph,
by Dooley, Dispatcher.

Time received 5 a. m.

O. K. given at 5:01 a. m.

In addition to this order the conductor and engineer of No. 91 received at Essex Junction the following orders :

"Order No. 16. Engine 852 will run extra St. Albans to Essex Jct and hold main line and meet No. 91 at Milton."

"Order No. 22. Engine 329 will run extra Essex Junction to St. Albans. Extra 852 south will hold main line and meet extra 329 north and No. 91 at Colchester instead of at Milton. No. 92 will meet extra 329 north and No. 91 at St. Albans."

No. 91 proceeded north from Essex Junction, meeting 852 at Colchester as directed in order number 22 and upon arriving at Milton drew in on the side track at the south end of the yard. Engineer Ryan stopped his train with his engine in front of the passenger station. The order signal being displayed he entered the station and picked up from the operator's bench the following order :

Form 31. CENTRAL VERMONT RAILWAY CO.

Telegraphic train order No. 32. May 7th, 1903.

To the C. and E. of train No. 91 and extra 329 at Milton, Engine 858, St. Albans, Italy.

Engine 858 will run extra St. Albans to Essex Junction and meet No. 91 and 329 north at Oakland.

M. M. Supt. Telegraph,
By Dooley, Dispatcher.

Time received 5:53 a. m.

O. K. given at 5:56 a. m.

Engineer Ryan without waiting for his conductor to come to the station signed both his own name and that of O'Heare, conductor, to the order and it was made "complete" at 5:59 a. m. He immediately left the station mounted his engine and pulled to the north end of the siding. Head brakeman Farr, who was

riding on the engine, opened the switch on the main line and Ryan pulled out some six or eight car lengths on the main line when the 850 came around the curve at a speed of about 30 miles per hour and collided with No. 91.

Rule 450 (a) of the rules and regulations of the Central Vermont railway company read as follows: "Conductors must have their baggage masters and brakemen, and engineers their firemen, read aloud all train orders received by them. Baggage-masters, brakemen and firemen will be held responsible, to a certain degree, for failure to observe meeting places, whether regular or those named in special orders." A part of rule 459 is as follows: "Those to whom the order is addressed must then sign their names to the copy of the order to be retained by the operator, and he will send their names to the train dispatcher. The response "complete," and the time with the Supt. Telegraph's initials, will then be given. Each operator receiving this response will then write on each copy the word "complete," the time and his last name in full, and will then deliver a copy to each person included in the address, and each must read his copy aloud to the operator."

The testimony of engineer Ryan was to the effect that while he received all three of the orders above mentioned at Essex Junction he did not sign for any of them. When he received order No. 32 at Milton he signed his own name and that of conductor O'Heare to the order. He read the order in the station but could not say whether he read it aloud or not, nor did he remember reading the order to his fireman or the head brakeman. He read the order to meet 850 at Oakland instead of 858 and understood that it was meant to change order No. 24 so that he was to meet 850 at Oakland, instead of 850 waiting for him until six a. m. at Milton. There was no conflict in the orders; they were understood by conductor O'Heare, but he was unaware that Ryan had pulled out upon the main line. He supposed that Ryan would stop in the clear at the north switch and wait for 850. Conductor O'Heare properly discharged his duty, or attempted to do so. When his train stopped he started on foot for the station to receive and receipt for his orders. Before he arrived at the station engineer Ryan had signed both his own name and O'Heare's name and started his train. When the van overtook O'Heare he got aboard and at the station the operator came out and handed O'Heare his copy of the order and after that time the train did not come to a stop until struck by 850. The accident

occurred by reason of a series of omissions to observe the letter of the rules, but primarily by the mistake made by engineer Ryan in reading the order received at Milton to meet 850 at Oakland instead of 858. B. Lawrence, the operator at Milton, was negligent in not insisting upon the order being read aloud to him as required by rule 459 and also in permitting Ryan to sign both his own name and that of conductor O'Heare to the order. Engineer Ryan was also negligent in not reading the order aloud to the operator and in not communicating the contents of the order to his fireman. If all the provisions of the rules had been strictly adhered to it is quite probable that the accident would not have occurred. The time necessary to do this would have permitted 850 to have reached Milton before No. 91 had reached the main line.

All the evidence tended to show that the practice of signing orders for both engineer and conductor by one or the other or by both is not an uncommon one. The practice is manifestly a result of endeavors to save time for the purpose of establishing a good record in the handling of trains. While it is not certain that the knowledge of such acts has ever been brought to the management, there was no evidence introduced showing that the officials of the Central Vermont railway company ever sought to discover such violations of the rules and to reprimand those guilty of them. The board is constrained to criticise this lax observance of a rule so essential to the safe conduct of trains and to conclude that in this particular case the management is not without blame for this unfortunate accident. The responsibility for this accident is primarily upon engineer Ryan but the Central Vermont railway company has power to compel a faithful observance of all its rules regulating the movement of trains by the exercise of wholesome discipline to those who have immediate charge of train movements.

The employment of an incompetent and careless operator at a train order office is not to be excused. Lawrence, the night operator at Milton clearly belongs to this class, and a judicious inquiry into his competency for any position of trust and responsibility would have disclosed his lack of judgment and capacity.

The safe operation of trains is always dependent upon the telegraph operators of the company, and only men who have attained the age of ripe judgment and discretion ought to find employment in positions of such responsibility. Lawrence should have insisted upon the reading of the order to him by Ryan and

should not have sent the signatures of both Ryan and O'Heare to the dispatchers office at St. Albans until both had actually subscribed their names to the order. The importance of this rule is obvious. The chief dispatcher at St. Albans was given to understand that both engineer Ryan and conductor O'Heare were present at the office at Milton and had received, read aloud to the operator and signed the order which he completed at 5:59 a. m.

The information given him over the wire by Lawrence was entirely false and misleading. Such methods must inevitably lead to disaster. In this case Ryan read his order wrong and O'Heare read his order correctly. Had they been together O'Heare would have doubtless corrected the mistake of Ryan, even though the carelessness of Lawrence might have failed to rectify the error.

The commissioners believe that to make an order in the premises will be of no avail. No order from the board however drastic, can reach the employee who carelessly and negligently fails to put into intelligent practice the clearly expressed rules of the company he serves.

The management must enforce its own rules to the letter or abide the consequences of their violation by those to whom they give employment. To make an order that a rule must be obeyed is of no effect and so the commissioners must content themselves with locating the responsibility for this unfortunate accident and leave with those who are in immediate touch with the employees the duty of correcting the evils pointed out.

Done at St. Albans, Vt., this 22nd day of June, 1903.

FULLER C. SMITH,

H. S. BINGHAM.

HORACE W. BAILEY,

Railroad Commissioners.

IN RE MALCOLM E. ELLIOTT.

Fatal Accident at Richford on August 7th, 1902.

REPORT AND OPINION.

Malcolm E. Elliott, of Richford, Vermont, a car inspector in the employ of the Canadian Pacific railway, was killed at Richford on August 7th, 1902.

Mr. Elliott in company with another inspector had made an examination of the cars of a freight train which had just arrived at Richford. On their way back to the depot they stopped to examine the coupler on one of two cars which were standing on a side track. These cars had just been placed there in the work of distributing the cars of the train. While the inspectors were thus employed, the shifting engine placed five more cars upon the same side-track, and as it was down grade the cars were cut off from the engine and allowed to run down the side-track. A brakeman was on top of these cars and controlled their movement by the use of the brake. These cars ran down and struck the two cars where the inspectors were at work. The force of the impact caused the latter to start suddenly and move a distance of about fifty feet.

The inspectors were struck by the cars, knocked down, and Mr. Elliott received fatal injuries.

Car inspectors in the discharge of their duties are required to move about the yards and to go upon the track, between and even under the cars. The nature of their duty is such that they must protect themselves from danger. For this purpose they are provided with flags which when placed in position indicate that repairs or examinations are being made and that the cars must not be moved. Inspectors are instructed to so protect themselves by the use of the flags.

Mr. Elliott and his companion were both experienced men. They were provided with flags and knew that they must protect themselves. In making an examination of the coupler they were charged with this duty of self protection. They did not deem it necessary to display a flag, did not know that other cars were to be put upon the side-track, or that the two cars would be moved. With a knowledge of the duties of their employment they took the risk.

The trainmen in charge of the switching were under no duty to be on their guard and watch for inspectors who were working without flags. The practice of cutting off cars and allowing them to run down a side-track, is a common one upon all railroads. The dangers of this practice are those which are incident to railroad work. The two cars had the brakes set and were moved no great distance.

Had the inspectors protected themselves by flags the accident would not have occurred.

The commissioners find that the carelessness of the deceased was the primary cause of the accident; that the Canadian Pacific railway company is chargeable with no neglect of duty.

Montpelier, Vt., November 4th, 1902.

JONATHAN ROSS,
JAS. M. BOUTWELL,
H. S. BINGHAM,

Railroad Commissioners.

IN RE COLLISION IN THE YARD OF RUTLAND RAILROAD COMPANY AT BURLINGTON, JANUARY 4TH, 1903.

Upon seasonable notice a public investigation of this accident was held at the Van Ness house in the city of Burlington on the 24th day of February, 1903. There were present all the commissioners. M. G. Leary, state's attorney for the county of Chittenden appeared for the state of Vermont, and F. H. Button for the Rutland railroad company.

The accident was a head-on collision between a special passenger train returning from Rutland to Burlington and an extra freight train which had just arrived in Burlington from Rouses Point, and was about to proceed extra to Rutland. The collision occurred about 8:30 on the evening of January 4th, 1903.

From the testimony of P. E. Sheehan, the engineer of the passenger train, it appeared that he had orders to run extra between Rutland and Burlington, and that at the time of the accident he was passing through the Burlington yard at a rate of speed of about four miles per hour and that when about one hundred feet north of King street he discovered the headlight of a freight train approaching him at a distance of not more than twelve or fifteen feet from the forward end of his own engine. At the point where the collision occurred the track curves to the west so that engineer Sheehan, in his position in the cab, was on the outside of the curve. But from an examination of the premises and from the evidence of superintendent Colton of the Rutland railroad company, the commissioners conclude that if engineer Sheehan had been watchful and on the lookout for danger, he might have discovered the approaching freight train at a

distance of fully five hundred feet and that he might have stopped his train, which consisted of only two cars, and averted the accident.

The testimony developed the fact that the Rutland railroad company maintains no signals in the yard south of College street, save the signal at the draw-bridge. The only information afforded a train approaching Burlington from the south of the occupancy of the main line by cars, shifting engines or other trains is that obtained by the watchfulness of the engineer from the cab window. This faulty system is complicated still further by an arrangement whereby freight trains proceeding south receive their orders from the dispatcher's office in the freight depot some eighty rods south of the passenger station, while passenger trains receive their orders at the telegraph office located in said passenger station.

The commissioners are satisfied that a rule to move slowly within yard limits, and be on the lookout for obstructing trains, is not sufficient protection against accidents in a yard like Burlington where the main line is upon reverse curves and where buildings, piles of lumber and freight cars are constantly obstructing the view. The collision of January 4th was a narrow escape from a serious accident involving personal injury, if not loss of life, to employees or passengers; more serious consequences were averted because engineer Geoffrior detected the approach of the passenger train in time to bring his own train to a full stop.

The immediate responsibility for this accident must be placed upon engineer Sheehan, but the railroad management is in fault in not providing proper signals or semaphores governing the approach of its trains, and by continuing an arrangement for despatching trains which leaves 80 rods of single track upon reverse curves between the passenger and freight depots, where the two telegraph offices are located, open to the passage of conflicting trains having equal rights, and unprotected by either orders or signals.

The commissioners recommend that the Rutland railroad company install such signals and semaphores in its yard south of College street in the city of Burlington as will effectually warn approaching trains of the occupancy of the main line by other trains, shifting engines or cars, and that the same be completed and in operation in a manner satisfactory to this board on or before the 15th day of May, 1903, and further that on or before said date said Rutland railroad company provide some practical

method of dispatching its trains so that no portion of its line in said yard be left unprotected by train orders.

Failure to comply with the above recommendations will be sufficient cause for further action by this board upon due notice and hearing.

Done at Burlington this 11th day of March, 1903.

FULLER C. SMITH,
H. S. BINGHAM,
HORACE W. BAILEY,
Railroad Commissioners.

IN RE GORDON H. SPRIGG AND O. H. CAMPBELL.

Collision at Ludlow, February 16th, 1903.

REPORT AND OPINION.

A hearing before the board of railroad commissioners was holden at Ludlow on the 17th day of November, 1903. H. H. Blanchard, state's attorney for the county of Windsor, appeared for the state of Vermont and presented the evidence before the board. G. H. Sprigg was represented by Cushman & Russell; O. H. Campbell by Dunnett & Slack; and the Rutland railroad company by H. H. Powers.

The commissioners find the following facts in relation to the accident: At about five minutes before six o'clock in the evening of February 16th, 1903, a freight train in charge of conductor John J. McNamara arrived at Ludlow from the north. The train stopped at the water tank, located about sixty feet north of the station, for the purpose of taking water and conductor McNamara went into the station to ascertain the whereabouts of regular mixed train No. 122 which was following on its regular run between Rutland and Bellows Falls and which was then due at Ludlow. Learning that No. 122 had left Summit station, McNamara at once advised his engineer and directed him to back up a distance of three or four car lengths and set in on a switch so as to permit No. 122 to pass. Before this had been accomplished No. 122 struck the rear end of the freight train, demolishing the caboose and doing some damage to the first freight car in front. Mr. Sprigg and Mr. Campbell were drovers riding with stock and were in the caboose at the time of the collision; they both sustained personal injuries.

The evidence disclosed the further facts that at a point more than half a mile distant from Ludlow station conductor McNamara dropped from the rear of his train a lighted five minute fuse to warn any following train of its near approach to his train, and that just prior to the stop made by his train a flagman dropped off and went back to warn with a red light any train approaching from the north. This flagman reached a point at or near the highway crossing next north of Ludlow station when mixed train No. 122 came into view and he immediately signalled the engineer of train No. 122 to stop. By actual measurements the distance from the point where this signal was given to where the collision occurred is 1588 feet. Engineer John Stark of train No. 122 testified (and his testimony was uncontradicted) that previous to entering the cut north of the highway crossing referred to he had made a service application of the air brakes and that when he saw the danger signal displayed by the flagman he then made a full, or emergency, application and stopped his train as soon as possible, but was unable to avoid the collision; that the speed of his train at the time he passed the flagman was not above 12 miles an hour; and that he did not discover any lighted fuse on the track or know that the freight train stood on the main line at Ludlow until after he saw the flagman. It appeared from other evidence in the case that the cars in mixed train No. 122 were all supplied with air and that the brakes operated with customary efficiency.

The commissioners find that the freight train in charge of conductor McNamara was occupying the main line on the time of No. 122, but that this train was properly protected by a flag; that the stop signal displayed by the flagman to the engineer of No. 122 was given at a sufficient distance from the rear of the mixed train to insure full protection to train No. 122 as required by rule 99 of the rules and regulations governing the movement of trains on the Rutland railroad; that under the rules of the operating company no blame can be attached to the employees on the freight train for the collision which occurred.

The commissioners conclude that train No. 122 must have been running at a rate of speed considerably in excess of twelve miles an hour when the flagman was passed at the highway crossing; no other conclusion is consistent with the theory that it was impossible to stop the train within a distance of 1588 feet, even though the grade was descending toward Ludlow to the extent of one and a half per cent. The schedule time of the mixed

train between Summit station and Ludlow on the 16th day of February, 1903, was 25 miles per hour, not in any respect excessive. The exercise of common prudence, however, should have suggested to the mind of engineer Stark the necessity of approaching an important station like Ludlow on a rapidly descending grade, with his train under full and absolute control. While the testimony of engineer Stark and conductor Stewart of train No. 122 was to the effect that their train was not running over 12 or 15 miles per hour when the flagman was passed at the highway crossing, the commissioners are constrained to believe that these witnesses underestimated the speed of the train, a very common error. It is impossible to conclude that a train of nine cars, with brakes properly operating, running at a speed of 12 or 15 miles per hour, could not have been stopped even on such a descending grade, in a distance of more than 1500 feet.

The blame for this accident, then, so far as it can be ascertained from the evidence introduced before the board, must attach to those in charge of train No. 122 and the commissioners so find.

Done at Montpelier this 3rd day of December, 1903.

FULLER C. SMITH,

H. S. BINGHAM,

GEO. T. HOWARD,

Railroad Commissioners.

IN RE TIMOTHY O'NEIL ET ALS., NEAR NORTHFIELD, APRIL 3RD, 1903.

REPORT AND OPINION.

A public investigation of the cause of this accident was held at Northfield on the 21st day of May, 1903, and there were present all the commissioners, F. A. Bailey, state's attorney for the county of Washington, for the state of Vermont, and C. W. Witters representing the Central Vermont railway company.

The testimony showed that on the morning of April 3rd, 1903 No. 1 train, passenger from Boston to Montreal, reached the point of the accident nearly an hour late. At Randolph the engine of this train became disabled and a freight engine was substituted. About one and one-half miles south of Northfield station there is a rock cut some six or seven rods in length and

about twelve feet in depth. The westerly side of this cut is a partially decomposed slate stone, broken by frequent seams, and a portion of it rested upon a smooth-faced ledge inclining toward the track at an angle of 45 degrees. On the morning of the accident this portion, about seven or eight feet in length at the top and about twelve feet in height, slid down this smooth-faced ledge upon the track and across the rails. No. 1 train went into this obstruction at a speed of about thirty miles per hour; the engine and the mail, express and baggage cars were derailed and went over the westerly embankment forty feet or more in height. Timothy O'Neil, fireman, was instantly killed. The other employees were only slightly injured, excepting McConnell who was badly cut about the face and who received painful bruises upon the shoulders and legs. No passenger was injured.

Engineer Lynch and fireman O'Neil stood heroically by their engine and went over the embankment at their post of duty. No blame can attach to them nor any person concerned in the operation of the train.

The commissioners sought to learn what examination of this and other ledges along the line of the Central Vermont road had been made by the road-master, section foreman or others having this duty to perform. The testimony of division road-master Bert Buhl developed the fact that in August, 1902, a gang of men, of whom he had charge, lifted the track through this ledge and at that time he made some examination of the ledge on the easterly side but gave it no special attention on the westerly side. The latter part of March, 1903, Mr. Daley, late road-master of this division, died and he was succeeded by Mr. Buhl, who assumed the duties of the position on April 1st, 1903, only three days prior to the accident.

John McGrath was section foreman at the time of the accident and had been employed on this section for nearly seventeen years. About the middle of March, 1903, McGrath went through and over the top of this ledge with then road-master Daley and only the day before the accident McGrath went to the top of this ledge and directly over the place where the slide occurred to examine a fence, and on neither occasion did he discover any weakness of the ledge or any indication that danger might be apprehended at this point. About a week after the visit with Daley the ledge was again inspected by McGrath and his men and a few loose pieces of stone were detached with the aid of bars from the opposite side, but no weakness was discovered on the side

where the rock slid out on the 3rd day of April, 1903. The distance from the westerly rail to the base of the ledge is about six or seven feet and sufficient. No witness would venture an opinion as to the direct cause of the slide and it cannot be certainly known whether it happened from the action of frost and water or from the jar of a passing train. The ledge is covered at the top with a few inches of soil which would hide any small crack or crevice. The evidence showed that sufficient men are employed on this particular section to give ample time for the work of inspection of ledges and other dangerous places. It also appeared, that, in obedience to orders, it is the practice to make frequent inspections of all ledges along the entire line of the road and to adopt every precaution against such occurrences. On occasions of heavy rains men are required to patrol the track wherever damage might be expected.

From all the evidence in the case and from a personal inspection of the ledge, the commissioners conclude that every precaution was exercised by the Central Vermont railway company through its employees to remove as far as possible every chance of such an accident and no blame can attach to said company, its servants or employees.

Done at Montpelier this 28th day of May, 1903.

FULLER C. SMITH,

H. S. BINGHAM,

HORACE W. BAILEY,

Railroad Commissioners.

IN RE HEAD COLLISION AT VERGENNES, MAY 28TH, 1903.

REPORT AND OPINION.

Pursuant to reasonable notice a public investigation into the causes of this accident was held at Vergennes on the 3rd day of July, 1903, at one o'clock in the afternoon. There were present commissioners Fuller C. Smith and Henry S. Bingham; James B. Donoway, state's attorney for the county of Addison, represented the state of Vermont; S. S. Colton, superintendent of the Rutland railroad company appeared for said company.

The evidence disclosed the following facts: On the 28th day of May 1903 train No. 26 a south-bound freight train, arrived in Vergennes at 10:07 a. m., one hour and 27 minutes late.

This train was under charge of conductor H. M. Wright and engineer L. LaFrance. Train No. 57 was the regular north-bound passenger, due to leave New Haven Junction at 11:20 a. m. This train was in charge of conductor A. F. Rock and engineer J. Sullivan. It left New Haven Junction at 11:21, one minute late, and, according to the rules and regulations of the Rutland railroad company governing the movement of the trains of this class was due to arrive in Vergennes at the same time it was due to leave New Haven Junction, the next station south. These two trains had no orders upon each other. Train No. 57 was a train of superior class over train No. 26 and it was the duty of the latter train to keep clear of the main line on the time of No. 57 and at a meeting point to stand in the clear at least five minutes before the scheduled time of arrival of No. 57.

Train No. 57 arrived at Vergennes at 11:26 or at 11:28 a. m. and near the south switch collided with No. 26 which was standing on the main line engaged in shifting cars.

No. 26 failed to send out a flagman to protect itself from approaching trains and no effort seems to have been made by those in charge of the train to care for its safety. It was the duty of the engineer to send out a flagman while occupying the main line on the time of No. 57. The yard at Vergennes is not protected by signals or semaphores of any kind.

The accident occurred by reason of the neglect of engineer L. LaFrance to properly protect his train by a flagman and his occupancy of the main line on the time of No. 57 was additional negligence. Conductor Wright is also deserving of censure for failure to keep his train clear of No. 57.

The installation of semaphore signals in all important yards would reduce to a minimum the risks of such accidents and the expense involved is not large compared with the property loss attending a collision like the one under consideration. The board again emphasizes its recommendation that such signals be installed at all important points. By their intelligent use this and other collisions upon this system might have been averted.

Done at St. Albans, this 8th day of August, 1903.

FULLER C. SMITH,
HENRY S. BINGHAM,

Railroad Commissioners.

IN RE E. A. KING AND EMMA SHAW.

Collision at North Bennington, July 14th, 1903.

REPORT AND OPINION.

Pursuant to notice the board met at North Bennington on the 18th day of September, 1903. There were present all the commissioners. J. J. Shakshober, state's attorney for the county of Bennington, appeared for the state of Vermont. The Rutland railroad company was represented by S. S. Colton, superintendent. Mr. King and Miss Shaw were not represented by counsel.

The testimony developed the following facts: on the 14th day of July, 1903, passenger train No. 65 left Troy for Rutland at 2:32 p. m., 37 minutes late. This train arrived at the scene of the collision at about 3:30 p. m. and when near the west scale track switch in the yard at North Bennington it collided with south-bound freight train No. 24. The conductor of this latter train received an order at Shaftsbury notifying them that No. 65 would run thirty minutes late, North Bennington to Arlington. No. 24 left Shaftsbury for North Bennington, a distance of seven miles, between 2:30 and 2:35 p. m. and arrived at North Bennington at about 3.25. If No. 65 were running into North Bennington 30 minutes late it would be due to arrive at the same hour, 3.25. No. 24 set off a few cars in the upper yard at North Bennington and drew down to the depot. No signals were displayed which permitted No. 65 to come into the station and conductor Corbett of No. 24 sent his train into the south yard to set off the main line so that No. 65 could pass.

The station agent warned conductor Corbett that he might not have time to do this before No. 65 arrived. But no signals being in position permitting No. 65 to approach the station, conductor Corbett assumed the chances incurred in attempting to set his train off. No. 65 entered the south yard at a rate of speed between 6 and 8 miles per hour and the trains came together at the west scale track switch.

W. H. Murray, the engineer of No. 65, testified that he was in his seat on the outside of the curve in the track approaching the station and just before the collision he was looking over to his fireman whom he supposed was watching for the signals at the station. The engineer of No. 24 was looking back to see if the switch was properly set for him to back his train on to the siding. Neither was keeping a proper lookout ahead.

The commissioners find that conductor Corbett was negligent in attempting to set his train off the main line without flagging No. 65, and that both he and engineer Mangan of No. 24 failed in the performance of their duty in occupying the main line at the station on the time of No. 65. Engineers Mangan and Murray were both in fault in not keeping a proper lookout for an opposing train. The curve in the track is not sufficiently sharp to excuse engineer Murray and engineer Mangan was on the inside of the curve where the view was practically unobstructed.

No blame attaches to the management in the operation of these trains.

Done at Montpelier, Vt., this 10th day of November, 1903.

FULLER C. SMITH,

HENRY S. BINGHAM,

Railroad Commissioners.

IN RE MAYNARD RYAN.

Fatal accident to Maynard Ryan at St. Albans, July 12th, 1903.

REPORT AND OPINION.

A public investigation into the cause of this accident was held at St. Albans on the 30th day of July, 1903. All the commissioners were present. W. B. Locklin, state's attorney for the county of Franklin, appeared for the state of Vermont; C. W. Witters appeared for the Central Vermont railway company, and C. D. Watson appeared for relatives of the deceased.

The evidence established the following facts: At about 10 o'clock on the evening of July 12th Maynard Ryan was engaged as third brakeman of the "shifting gang" in the north yard at St. Albans. This yard consists of a "lead" track from which fifteen or twenty switch tracks diverge, and here a large proportion of the freight trains are made up. The yard is ordinarily lighted by three electric arc lights located upon high poles, but on the night of July 12th these lights were not in operation. The night was very dark. A freight car had been detached from a train of fifteen or twenty cars and was standing at or near the frog between switch No. 5 and switch No. 6. Another loaded freight car was being shunted down the "lead" track to be

coupled to the car first mentioned. When it struck this car it was moving at about four miles per hour and for some reason, not disclosed by the evidence, the automatic couplers failed to work properly and the hitch was not made. The impact moved the car first above mentioned to the north a distance of about 12 feet; the other car recoiled slightly and then moved slowly to the north again, owing to a slight down grade of the "lead" track. At this point Ryan stepped in front of the car to adjust the knuckles of the automatic coupler so that a hitch might be affected when the cars again came together. In performing this act it was necessary for Ryan to keep stepping backwards as the car moved toward him and while performing this duty his foot caught in the frog located half way between switch No. 5 and switch No. 6; he was thrown to the ground run over by the car and instantly killed. The testimony showed that this frog was not blocked as is required by section 3,885 V. S. and if it had been properly blocked it would have been unlikely that Ryan could have caught his foot therein. The testimony also tended to show that there had been neglect upon the part of the Central Vermont railway company in omitting to keep other frogs and guard rails in this yard properly blocked in compliance with the law. Ryan was an old employee but had been in the employ of the Central Vermont railway company at this yard for only a few days; it did not appear that any instructions had been given him relative to his duties or the condition of the tracks in the yard.

The testimony of conductor Perry was to the effect that the act of Ryan in stepping in front of the moving car for the purpose of adjusting the knuckles was in pursuance of a common practice among railroad men and was necessary in order to perform the work devolving upon the night gang within reasonable limits of time. The act was a dangerous one and performed, as it was, in the darkness of night and in a yard new and unfamiliar to Ryan, it raises at once the question of care and prudence. It was the duty of the railway company to exercise the greatest possible care in the blocking of its frogs and switches in accordance with the provisions of the law; and it was equally the duty of Ryan to act under all these circumstances and surroundings as a careful and prudent man would act who was engaged in the same business and with the same environment. Did any want of due care on the part of Ryan contribute to his injury and death? Were the results following his act the joint product of



RAILROAD YARD AND NEW OVER-PASS AT ISLAND POND.—GRAND TRUNK RAILWAY.

Ryan's lack of prudence and the railway company's negligence in not keeping this frog blocked in compliance with the law.

These questions go directly to the cause of the accident. Was the accident the result of the negligence of the railway company or of the deceased or of both? In engaging to perform the duties attaching to the position he occupied as a servant of the Central Vermont railway company, Ryan assumed the known and obvious dangers of his employment. But he had a right to assume that his employer was complying with the law requiring the frogs to be blocked. The proximate cause of the accident was the want of blocking in the frog, and the commissioners are of the opinion that Ryan might have escaped death, and perhaps serious injury, had the frog been securely and properly blocked.

But the act of Ryan in stepping in front of the moving car to adjust the knuckles was, under all the circumstances, a careless act, and to that extent, it was failure to exercise the degree of care and prudence which was imposed upon him. The commissioners find that the frog was not blocked in compliance with the law and that Ryan did not exercise due care and prudence in the performance of the work assigned him. It is therefore concluded that the accident resulted from the joint neglect of the Central Vermont railway company and the careless act of Maynard Ryan.

The dangers arising to employees from the failure to block the switches, frogs and guard rails in this yard are constant and menacing. A portion of the blocking is worn out and unsafe. At the time of the accident some of the switches, frogs and guard rails were without blocking of any kind.

It is therefore ordered that the Central Vermont railway company through its proper officials inspect every switch, frog and guard rail in its yard at St. Albans and properly and safely block each and every switch, frog and guard rail as required by law and that this work be completed on or before November 1st, 1903, to the satisfaction of this board.

Done at Manchester, Vt., this 17th day of September, 1903.

FULLER C. SMITH,

H. S. BINGHAM,

Railroad Commissioners.

IN RE F. MYATT.

Fatal Accident at Brandon, on the 30th day of October, 1903.

REPORT AND OPINION.

Pursuant to notice the commissioners met the parties interested at Rutland on the 11th day of March, 1904. W. H. Preston, state's attorney for the county of Rutland appeared for the state of Vermont; E. J. Ormsbee appeared for the Rutland railroad company, and T. W. Maloney for the relatives of the deceased.

From the testimony it appeared that on the 30th day of October, 1904, Myatt was head brakeman on the north-bound local freight; that after arriving at Brandon the engine was detached from the train, passed in upon a side track and was being "nosed" on to a freight car which was standing upon said side track. Myatt had thrown the switch leading to the side track and was walking or running along beside the engine for the purpose of making the hitch. As the engine passed him, just before reaching the car, Myatt attempted to jump upon the iron step attached to the "V" shaped base of the cow-catcher. In doing so he slipped and fell under the engine and one leg was run over, from the effects of which injury he afterwards died.

The testimony of J. F. Gilley, the fireman, was to the effect that he saw Myatt take hold of the iron flag-staff socket as he attempted to jump upon the step. E. L. Pelsue, engineer, and H. C. Brislin, conductor, both testified that Myatt told them that he slipped. The evidence showed that the engine was proceeding at a rate of speed not exceeding four or five miles an hour and that only two wheels passed over Myatt before a stop was made. The commissioners cannot find that the accident was caused by any fault or neglect of the Rutland railroad company or its servants or agents.

Myatt's duty did not require him to assume the risk involved in attempting to jump upon the step while the engine was in motion and the commissioners conclude that the accident was the result of his own careless act.

Done at St Albans, Vt., this 28th day of March, 1904.

FULLER C. SMITH,
H. S. BINGHAM,
GEORGE T. HOWARD.

Railroad Commissioners.

IN RE HERBERT GOULETTE.

Fatal Accident on the Clarendon & Pittsford railroad, on the 1st day of December, 1902.

REPORT AND OPINION.

On the eleventh day of March, 1904, the commissioners met at Center Rutland and investigated the cause of this accident. W. H. Preston, state's attorney for the county of Rutland, appeared for the state of Vermont and E. R. Morse for the Clarendon & Pittsford railroad company.

The commissioners find from the evidence that Herbert Goulette, a brakeman, nineteen years of age, was run over by a flat car loaded with marble and was afterwards taken to the Proctor hospital where he died. The testimony of eye witnesses showed that Goulette was engaged in arranging the coupling of a flat car being pushed by an engine so that he might make the hitch to another car standing a few rods away; that while performing this act the engine and car were moving toward him and he slipped and fell upon a plank crossing and was run over. This act of Goulette was a very dangerous one and one which he was not called upon to perform in his employment as brakeman. His fellow servants upon the train were powerless to prevent the accident which occurred and the commissioners conclude that Herbert Goulette came to his death through no fault of the Clarendon & Pittsford railroad company, its servants or agents.

Done at St. Albans this 23rd day of March, 1904.

FULLER C. SMITH,

H. S. BINGHAM,

GEORGE T. HOWARD,

Railroad Commissioners.

IN RE JOHN COLBY.

Rear-end Collision at Royalton, January 7th, 1903.

REPORT AND OPINION.

H. H. Blanchard, state's attorney for the county of Windsor, appeared for the state of Vermont, and C. W. Witters for the Central Vermont railway company. The estate and relatives of John Colby were represented by H. O. Worthen, administrator, and F. S. Williams, attorney.

It appeared that on the night of January 7th, 1903, extra freight 394 left Roxbury at 9:19 with a train of 41 cars. At Bethel this train was delayed from 45 to 48 minutes. While passing through the yard at Royalton extra freight 335, following, crashed into the rear of extra 394, demolishing the caboose and killing conductor John Colby. Rear brakeman C. E. Donovan of extra 394 was somewhat injured, and V. Sturtevant, engineer, H. E. Willett, fireman, and J. J. Early, head brakeman, of extra 335 were slightly injured by jumping just before the collision.

At the time 9:19 p. m., when extra 394 left Roxbury, extra 335 was there but without a locomotive. It was known and understood, however, by the trainmen of extra 394 that extra 335 would proceed south as soon as power arrived to move it.

The evidence of rear-brakeman Donovan was to the effect that just before leaving Bethel, he protected his train by placing two torpedoes on the rail and leaving a lighted fusee which would burn for ten minutes. Upon entering the Royalton yard there is a sharp curve, and the collision occurred just around this curve and near the section house. The tail lights of extra 394 were in position. The evidence is conflicting as to the rate of speed of extra 394 just prior to the accident. The testimony varied from five to eight miles per hour. It appeared from the evidence of engineer Dehoney and brakeman Donovan that extra 394 broke in two just a few minutes before the collision occurred and that before Donovan could get down from the top of the caboose to protect his train extra 335 crashed into them without warning. After leaving Bethel, Donovan talked with conductor Colby about extra 335 and later asked if it would not be well to throw out a fusee, Colby replying that he did not think it necessary. This was Colby's first run as a conductor.

The commissioners are of the opinion that this accident occurred by reason of the neglect of conductor Colby to properly protect the rear of his train. It is believed that even if extra 394 had not broken in two, the accident would have happened, or at least would have been narrowly averted. The commissioners incline to the belief that extra 394 was proceeding around the curve and through the Royalton yard at a very low rate of speed. The testimony of station agent Southgate is convincing upon this point, and the inquiry of Donovan if he should not throw out a fusee points conclusively to the fact that he scented danger because of this very fact.

Rule 399 provides that "when a train is stopped by an accident or obstruction, or fails to make its running time, the flagman must immediately go back with danger signals to stop any train moving in the same direction."

Extra 394 was not making its running time. It lost 45 minutes at Bethel; it was approaching and passing through the Royalton yard at a very slow rate of speed; the location was dangerous on account of curves. In the exercise of reasonable care and prudence it was the duty of the conductor to make use of a fusee signal to protect his train. To his failure to do this must be attributed the unfortunate results that followed.

The commissioners can suggest no remedy that will have a tendency to lessen the liability of such accidents. If those who have charge of trains fail to observe the rules under which they are acting and do not exercise the caution that prudence manifestly requires, no recommendations of the board will avail to avert a repetition of such an accident.

Done at Montpelier, this 28th day of January, 1903.

FULLER C. SMITH,
H. S. BINGHAM,
HORACE W. BAILEY.

Railroad Commissioners.

IN RE GEORGE HILL.

*Personal injury on the Montpelier & Wells River railroad,
March 24th, 1904.*

REPORT AND OPINION.

Upon notice to the interested parties the commissioners held a public investigation into the causes of this accident at the office of the board at Montpelier, April 7th, 1904. John H. Senter, state's attorney for the county of Washington, appeared for the state of Vermont; J. P. Lamson for the Montpelier & Wells River railroad company; R. A. Hoar for the Barre and Montpelier traction company, and F. L. Laird for George Hill.

On March 24th, 1904, Hill was a brakeman on the Montpelier & Wells River railroad and was in the discharge of his duties as such brakeman when he was struck by a low trolley wire of the Barre & Montpelier traction company while passing the crossing of the tracks of said Montpelier & Wells River railroad company

and those of said Montpelier and Barre traction company at the "Sabin" crossing, so called. Hill was thrown down on top of the freight car upon which he was standing and sustained painful, but not serious injuries.

Measurements made soon after the accident occurred by an employee of the Montpelier & Wells River railroad company showed the trolley wire at this point to be 17 feet, nine and one-fourth inches, above the top of the rail. The car upon which Hill was standing was 13 feet, one and one half inches high and Hill's height was 5 feet ten and one-half inches.

There is no provision of law requiring structures other than bridges to be built at any particular height above the rail. The law, however, does require every railroad to erect upon either side of any structure over its track less than twenty feet from the top of the rail such tell-tale warnings or other devices as shall be recommended by the board of railroad commissioners, so that trainmen riding on tops of cars may be warned of their approach thereto.

The evidences showed that the trolley wire had been permitted to sag at this point and perhaps was a foot or more lower than it formerly had been. The Barre & Montpelier traction company was negligent in thus permitting the trolley wire to sag. In the absence of any statutory requirement, it was and is the duty of the Barre & Montpelier traction company to suspend its trolley wire or other structures over the tracks of steam railroads at a height sufficient to clear a man standing upon the highest freight car. Anything less than this places in jeopardy the life of any employee of the steam road riding the top of a car. Such an important requirement ought to be governed by legislative enactment. The commissioners will make no order in the premises more than to recommend that the Barre & Montpelier traction company at all times keep its trolley wires and other structures suspended at least twenty feet above the tops of the rails in all places where they cross the tracks of any steam road. The attention of the general assembly will be directed to the desirability of a statute which shall control in such cases.

Done at St. Albans, this 26th day of April, 1904.

FULLER C. SMITH.

H. S. BINGHAM,

GEORGE T. HOWARD.

Railroad Commissioners.

IN RE A. C. CASSIN.

Fatal Accident at Lyndonville, March 12th, 1904.

REPORT AND OPINION.

Upon notice to all interested, commissioners Smith and Howard held a public investigation into the causes of this accident at Lyndonville on the 12th day of April, 1904. The state of Vermont was represented by M. C. Morse, state's attorney for the county of Caledonia; F. C. King appeared for Mrs. A. C. Cassin, and Harry Blodgett for the Boston & Maine railroad.

On the morning of March 12th, 1904, at about six o'clock, Cassin was engaged in coupling the air hose between the cars of a freight train being made up in the yard of the Boston & Maine railroad at Lyndonville. Cassin was employed as a car inspector and was in the discharge of his regular duties at the time the accident occurred. As he came out from between two cars of this train he slipped upon the ice and snow and fell between two cars standing on a siding next to the one upon which the train was being made up. There were twelve or more cars upon the siding, one of which was a crippled car, the draw rigging of which had been pulled out and removed; this car had been placed upon this siding about two hours before the accident. Before Cassin could get out from between this car and a flat car next south, a shifting engine had "nosed" on to the south end of the string of cars and in doing so had moved the cars a short distance. Cassin was caught between the crippled box car and the flat car and received injuries from which he died five days later.

The commissioners find that the employees of the Boston & Maine railroad properly and rightfully placed the crippled car and the other cars upon the siding where they stood; that it was not negligence to remove them in the manner employed, and that the accident to Cassin resulted from no act of neglect upon the part of the Boston & Maine railroad, its servants or employees. Cassin came to his injury by reason of an accidental slip or fall for which the Boston & Maine railroad was in no respect responsible.

Done at St. Albans, Vt., this 19th day of April, 1904.

FULLER C. SMITH,

GEORGE T. HOWARD,

Railroad Commissioners.

IN RE ANGIOLO GENEVISE.

Fatal Accident at Center Rutland on the 15th day of January, 1904

REPORT AND OPINION.

Pursuant to reasonable notice the commissioners met at Center Rutland on the 11th day of March, 1904, and a public investigation was held at which W. H. Preston, state's attorney for the county of Rutland appeared for the state of Vermont and E. R. Morse represented the Clarendon & Pittsford railroad company.

It appeared that on the 15th day of January, 1904, Angiolo Genevise and a companion were walking along a spur track leading from the main line of the Clarendon & Pittsford railroad at Center Rutland into a marble mill; that an engine with one or more cars was proceeding from said marble mill to the main line of the Clarendon & Pittsford railroad and in the same direction in which said Genevise was walking.

The testimony established the fact that engineer Charles J. Johnson, seeing Genevise and his companion on the track, blew the warning whistle to alarm them and apprise them of their danger. Genevise's companion jumped from the track and engineer Johnson supposed that Genevise himself had also escaped until he was apprised of the accident by some person who motioned him to stop. The train was proceeding at a very slow rate of speed, not exceeding four or five miles an hour. Genevise was upon the track without right, and no duty owed to him by the Clarendon and Pittsford railroad company or its servants or agents was omitted. The commissioners therefore find that the accident was caused through the negligence and carelessness of Angiolo Genevise.

Done at St. Albans, Vt., this 23rd day of March, 1904.

FULLER C. SMITH,

H. S. BINGHAM,

GEORGE T. HOWARD,

Railroad Commissioners.

IN RE COLLISION AT MIDDLESEX ON THE 7TH DAY OF DECEMBER, 1903.

REPORT AND OPINION.

Hearing at Montpelier, January 20th, 1904. There were present the commissioners. J. H. Senter, state's attorney for the county of Washington, representing the state of Vermont; C. W. Witters for the Central Vermont railroad company; B. E. Bailey for Smarkowitz and wife; Lord and Carlton for M. W. Tucker and Joseph Yett, and Plumley and Plumley for Mrs. C. H. Adams.

From the evidence introduced the commissioners find the following facts: Mail train No. 3 north-bound was two hours late at Middlesex. At Montpelier Junction engineer Abner Parmalee received the following order addressed to the conductor and engineer of No. 3 train: "No. 10 will meet No. 3 at Middlesex and No. 5 at Montpelier Junction." George Taylor, the engineer of No. 10, received the same order at Waterbury. The rules governing the meeting of trains, issued by the Central Vermont railway company, provide that No. 10, south-bound, will set off on the siding when meeting Nos. 3 and 5. No. 3 train stopped at Middlesex station and drew down to the north switch, so-called, and there stopped and waited for the arrival of No. 10. Head brakeman Benjamin Warner alighted from the train and started for the switch, intending to turn it and let No. 10 in on the side track. No. 10 reached the switch in advance of brakeman Warner and collided with the engine of No. 3 train.

Engineer Taylor of No. 10 train testified that after the collision he went back to the rear end of the tank and found the angle cock on his engine partly turned so that the flow of air to the brakes on the cars of his train was obstructed. As a result of this the brakes did not hold sufficiently well to stop his train. In the opinion of engineer Taylor this angle cock had been turned by some person or persons unknown, but his own evidence did not tend to show any serious difficulty in stopping his train at any station between St. Albans and Middlesex, although at Milton and Jonesville his train ran slightly by the usual stopping place. This witness also testified that at Waterbury, the last stopping place before the collision, he saw a strange person, presumably a tramp, alighting from the platform of the baggage car next to the tender, and that the angle cock might have been turned by him. This testimony was uncontradicted and coming from

so reliable a witness the commissioners are loath to find the facts otherwise than as testified to by said Taylor. Under ordinary circumstances, Taylor, the engineer of No. 10 train, commenced to reduce the speed of his train at a distance from the north switch ample to make the stop. With a meeting order upon another train and with the duty imposed upon him to take the siding, the burden was imposed upon engineer Taylor to know without any uncertainty his ability to make a safe stop, so that whatever blame attached to the train men of No. 10 for this collision falls upon engineer Taylor. Of the fact that some person turned the angle cock, the testimony of engineer Taylor is substantive proof. The commissioners cannot disregard it and therefore conclude that the accident resulted from an unavoidable cause.

Done at Montpelier this 17th day of March, 1904.

FULLER C. SMITH,
HENRY S. BINGHAM,
GEORGE T. HOWARD,
Railroad Commissioners.

II.

The following cases have been inquired into by one of the commissioners, and as far as possible, the causes of the same have been determined and the responsibility fixed without public investigation. The examinations were made by personal interview or correspondence with the interested parties, or by taking *ex parte* affidavits of persons having knowledge of the circumstances attending such accidents. In each case the commissioners have determined that a public investigation would develop no new facts and was unnecessary.

J. H. Ward, a bridge contractor, on November 1st, 1901, was killed near Mount Holly station on the Rutland railroad, being run over by an inspection engine. Ward, with others, was inspecting a bridge and in some unknown way was run over by the engine "Nehasane." No one saw the accident and no further information could be obtained from any person present. It appeared that no fault could be attached to the Rutland railroad company or its employees.

L. Benjamin, a brakeman on the railroad of the Delaware & Hudson company, was injured near Fair Haven on the 12th day of November, 1902; he was attempting to get upon a moving engine and made a mis-step, suffering injuries to his foot. Investigation showed that he received his injuries by reason of his own careless act.

William Humphrey, a resident of Granville, New York, was fatally injured at Oakland on the Central Vermont railway, December 5th, 1902. He stepped directly in front of a passenger train and was so badly injured that he died the same day. No reason can be attributed for the act unless he meant to commit suicide.

Frank Gould, a brakeman on the Hoosac Tunnel & Wilmington railroad, slipped and fell from the pilot of an engine at Mountain Mills on the 25th day of November, 1902.

George Jennings, a section foreman on the Rutland railroad, was injured at Cuttingsville on the 9th day of December, 1902, by stepping too near the track while a train was passing. He was not seriously injured and no blame is attached to the Rutland railroad company on account of the accident.

B. Gonoosi, a marble worker, was fatally injured on the railroad of the Delaware & Hudson company at Center Rutland on the 22nd day of November, 1902. He was walking on the track going to his work and probably became confused by a freight train on the Rutland railroad which was passing at that time. He was instantly killed. Gonoosi was a trespasser upon the right of way of the Delaware & Hudson company and came to his death through no fault of said company.

J. Bate, a brakeman, was injured on the railroad of the Delaware & Hudson company near Fair Haven on the 10th day of December, 1902. The engine of an extra freight train struck a hand car in front of which he stood; he suffered a broken leg.

Edward Moore, a freight brakeman, was fatally injured at St. Johnsbury on the St. Johnsbury & Lake Champlain railroad, December 17th, 1902. He fell from the end of a freight car and was run over. Investigation developed the fact that there was no apparent cause for the accident, and that Moore in climbing to the top of the car after coupling the engine to it, unfortunately fell between the car and the engine tender and was run over. No blame is attached to the railroad company.

Harvey Berry and wife were fatally injured at a grade crossing near St. Johnsbury Center on the Boston & Maine railroad January 10th, 1903. Berry was driving in a covered sleigh and at a grade crossing where the view of the railroad track is unobstructed. He negligently attempted to drive across and was struck by a train. The usual signals were sounded and an effort to stop the train was made after it was seen that Berry would attempt to make the crossing. Investigation showed no negligence on the part of the Boston & Maine railroad employees.

Ernest Davis, Edward McCall and Andrew Gibbs were struck by an engine on the St. Johnsbury & Lake Champlain railroad three miles from Morrisville on the 18th day of January, 1903.

They were trespassers walking on the track toward the approaching engine. The weather was very cold and a strong wind was blowing. Davis received fatal injuries, McCall suffered a broken leg and Gibbs was bruised about the head and shoulders. No blame is attached to the railroad company on account of the accident, as the injured parties were walking upon the track without right.

Alphonse Gemme, a brakeman, was fatally injured near Braintree on the Central Vermont railway, January 27th, 1903. Gemme was employed as a brakeman on a work-train, and was engaged just before the accident in flagging north-bound trains, to warn them in approaching a bridge that was being repaired. The first knowledge of the accident was when the body of Gemme was found on one of the trucks of a passenger train at Bethel the next station south. Whether Gemme stepped too near the train as it passed and was drawn beneath a car or whether he boarded the train as it passed slowly over the bridge and was drawn under in attempting to get off is unknown. He was not seen by the engineer or fireman of the passenger train prior to his death and no fault or inattention to duty is attributed to the employees of the passenger train. It is concluded that no further facts relating to the cause of the accident would be ascertained by a public investigation.

Charles Michael, an employee of the Queen City cotton company, was seriously injured at Burlington on the Rutland railroad on the 19th day of June, 1902. He was walking on the track near the draw-bridge and a shifting engine passed down the track making a flying switch. Michael stepped back to the track after the engine had passed and was struck by the freight cars which were following the engine. He was a trespasser on the track of the Rutland railroad company and was injured by his own carelessness. Later he died from the effects of his injuries. No blame can be attached to the railroad company.

Edward Ackerman, a stone cutter, was injured at Montpelier Junction on the Central Vermont railway, July 5th, 1902. He was a passenger and attempted to board number 6 train while the same was in motion. His right foot was nearly severed at the ankle and was afterwards amputated. The accident occurred by reason of the careless act of Ackerman and no blame can be attached to the Central Vermont railway company.

Harry Ely, ten years old, was struck by a Central Vermont train in the north yard at St. Albans, July 10th, 1902, and sustained a severe scalp wound. He was taken to the hospital and discharged from there on July 19th, 1902. Ely, in company with other children, was playing on the railroad tracks and did not hear the train. He was a trespasser there and his injuries were due to his own careless act.

George and Claude Stoughton, laborers, fell from a bridge on the Central Vermont railway near Winooski, July 25th, 1902, and were drowned. They were trespassers upon the track of the Central Vermont railway company and in attempting to avoid an approaching train they fell from the bridge into the Winooski river. No blame is attached to the Central Vermont railway company.

Fred O. Phelps, a conductor on the Burlington street railway, was fatally injured at Milton on the Central Vermont railway, July 27th, 1902. Phelps was walking on the track and was struck by some south-bound train and instantly killed. It is not known by what train he was struck and there were no witnesses to the accident. The accident occurred in the night and the body was not discovered until the next morning. No further information could be obtained.

Julius Hill, an employee in the car shops of the Central Vermont railway company was injured at St. Albans, August 6th, 1902. Hill was walking on the railroad track in the yard, on the ends of the ties. He was struck in the back by freight cars being pushed by a locomotive. Mr. Hill's statement shows that he took no precautions to protect himself while walking in so dangerous a place as a railroad yard where he was familiar with the fact that shifting was going on at all hours of the day and night. He came to his injuries by reason of his own carelessness.

John Carmody, fourteen years old, fell from the top of a circus train standing in the yard at Rutland, July 22d, 1902. His nose and two bones in his wrist were fractured. He was a trespasser on the cars and received his injuries by reason of his own careless act.

Timothy Underwood, no occupation, was run over and crushed to death near Wallingford on the Rutland railroad, Aug-

ust 5th, 1902. He was a trespasser walking upon the railroad track and sometime during the night was struck by a passing train. There were no witnesses to the accident. No blame is attached to the railroad company.

J. H. Greene, depot express agent, was injured at Burlington on the Central Vermont railway, August 12th, 1902. He was endeavoring to get an express truck out of the way of an approaching train; the step of the engine struck the truck, Greene was knocked down and sustained a broken nose and injuries on the face. No responsibility is attached to the employees operating the train or the railroad company.

Joseph Riley, occupation unknown, was found under a bridge just north of North Hartland station on the Central Vermont railway, September 4th, 1901. There were no witnesses to the accident and it is supposed that he fell from the bridge; whether or not he was struck by a train is unknown and no further facts could be ascertained. He died from his injuries the same day.

Thomas Keating, occupation unknown, was found dead beside the Rutland railroad track one mile from Manchester on the 15th day of September, 1902. He alighted from the train at Manchester the night before and when the conductor was about to start the train he discovered Keating on the platform and told him he had not reached Dorset where he lived. Keating said he was going to remain in Manchester one night. It is thought that Keating attempted to walk to Dorset, but being intoxicated he went in the wrong direction and then fell on the track or was hit by the night train. No other facts could be obtained.

Jesse Foster, farmer, was struck by a train on the Delaware & Hudson company's railroad near West Pawlet, September 16th, 1902. The crossing was equipped with electric bell signal which was ringing at the time of the accident. Foster evidently did not stop, look or listen for the approach of the train and no blame can be attached to the railroad company for the accident. His injuries consisted of severe bruises.

N. H. Hebert, a brakeman, was injured on the Rutland railroad at Salisbury, September 18th, 1902. He fell between the

cars as the train was started and received slight injuries. No blame is attached to the railroad company or Hebert's fellow employees.

Leanze Stearns, eighty-two years old, was killed at a highway crossing on the St. Johnsbury & Lake Champlain railroad at West Concord, September 18th, 1902. He was deaf and walked on to the crossing and was struck by an engine. His injuries were fatal. The engineer of the locomotive blew the whistle and sounded the bell for the crossing. No blame is attached to the railroad company.

John and Sampson Drown, farmers, were both fatally injured at a grade crossing on the Boston & Maine railroad at Barton Landing, October 4th, 1902. Both persons were deaf and dumb. The whistle was blown and the bell was rung as the train approached the crossing and an effort was made to stop the train but without success. No blame is attached to the train operatives or to the Boston & Maine railroad on account of the accident.

Joseph Bennett, occupation unknown, was fatally injured on the Bennington branch of the Rutland railroad at Bennington, October 12th, 1902. The body was found beside the track but no witnesses could be found who had any knowledge of the accident. The commissioners are unable to say how it occurred.

Ella Evans, a passenger on the railroad of the Delaware & Hudson company, was injured in alighting from the train at Fair Haven, October 30th, 1902. The platform at Fair Haven is so high that a bridge is necessary to permit passengers to pass from the cars to the platform. Miss Evans did not wait for the bridge to be put in place by the trainman, jumped off and injured her ankle slightly. The attention of the Delaware & Hudson company has been called to the condition of the platform at Fair Haven.

Leon Labounty, laborer, was fatally injured on the Boston & Maine railroad at Newport, November 3rd, 1902. As near as can be ascertained this man was stealing a ride on a freight train; he was found unconscious with his skull fractured on the arrival of the train at Newport. No blame is attached to the railroad company for the accident.

An unknown man was killed near Waterbury on the Central Vermont railway, November 13th, 1902. He stood on the bridge and did not attempt to get out of the way of the train; he was struck and knocked into the river. It is believed that it was a case of suicide. No blame is attached to the railroad company or its employees.

Fred Coburn, a granite cutter, was injured at Northfield on the Central Vermont railway, November 23rd, 1902. He fell or jumped from a freight train while the same was in motion and was evidently in an intoxicated condition at the time. His injuries consisted of a cut upon the right foot, no broken bones. No responsibility for the accident can be attached to the railroad company.

L. Wescott, repair man, was slightly injured on the Rutland railroad at Burlington, February 19th, 1903. He was engaged in coupling the steam hose between cars and while so doing a shifting engine backed on to the train and moved the cars enough so that Wescott was pinched, bruising his head. Wescott himself attaches no blame to the railroad company or its employees.

Frank Barrett, engineer, was instantly killed at St. Albans on the Central Vermont railway February 20th, 1903. He was crossing a track in the yard and was struck by a switching engine and run over. There were no immediate witnesses to the accident and investigation showed that no blame could be attached to the employees operating the switching engine. It is presumed that Barrett did not see the engine, which was running backwards, or that he slipped and fell directly in front of the tender.

Charles Walker, freight brakeman, was fatally injured at South Barton, on the Boston & Maine railroad, February 26th, 1903. He attempted to get on to his train while the same was in motion and lost his hold and fell. His duties did not require that service and no fault can be attached to the railroad company.

Charles Cooke, employee of the Vermont marble company, was injured at Center Rutland on the Delaware & Hudson com-

pany's railroad, March 13th, 1903. Cooke ran out of the Vermont marble company's office on to the railroad track and was struck by a train. The accident was caused by his own careless act.

Charles Hobart, laborer, was injured at Bellows Falls on the Rutland railroad, April 11th, 1902. He was passing from the coach to the smoking car and fell from the platform; he caught hold of the handles of one car and was dragged until he lost his hold. He was under the influence of liquor and no blame can be attached to the railroad company or its employees for the accident.

Silas Rice was fatally injured at Bellows Falls on the Rutland railroad, April 12th, 1903. Rice worked with the section gang on the Rutland railroad but at the time of the accident was not in the discharge of his duties. He boarded a freight train at Bellows Falls and as it was moving out said he was going to Bartonville. A few hours later he was found beside the track, badly crushed, and it is supposed he fell from the train. No responsibility can be attached to the railroad company for the accident.

F. W. Dumas, occupation unknown, sustained personal injuries at Montpelier Junction on the Central Vermont railway April 5th, 1903. Dumas was stealing a ride and was a trespasser.

H. O. Thurber, was injured by being thrown from a wagon in front of an electric car near the Dodge crossing in the town of Berlin on the 8th day of April, 1903. The Barre & Montpelier traction and power company were operating the car. Thurber's horse turned suddenly just in front of the car and the wagon was upset; Mr. Thurber was thrown out and somewhat injured. The car was stopped before reaching him and there appears to be no fault that can be attached to the company for the accident.

Max Belmore, employee of marble company, was injured at West Rutland on the tracks of the Delaware & Hudson company, March 28th, 1903. Belmore was a trespasser walking on the track and was struck by an engine. His injuries were slight.

Bessie Johnson, a child two years old, was killed near East Wallingford on the Rutland railroad, May 5th, 1903. The child

strayed upon the track and was struck by the step of a passing engine and was instantly killed. Investigation showed that every effort was made to stop the engine and that no blame attaches to the railroad company for the accident.

Bernice N. Jackson, farmer, was very slightly injured near West Pawlet on the railroad of the Delaware & Hudson company, April 24th, 1903. He drove his horse against the third car from the engine of a passenger train and was thrown to the ground.

Alexander Curtis, employee of the Central Vermont railway company, was injured at St. Albans, Vt., May 30th, 1903. He attempted to board a train while it was in motion and was carried against the coal shed and fell off; he sustained injuries which necessitated the amputation of one arm. No fault is attributed to the railroad company or its employees.

Samuel Furgeson, employee of the Central Vermont railway company, was injured at St. Albans, Vt., on May 30th, 1903. He attempted to go between or under the cars of a train which started and ran over his foot, necessitating its amputation just above the ankle. At the time of the accident he was not in the discharge of his duties and was a trespasser, the accident occurring one hundred feet or more from a crossing.

Henry Dunbar and A. J. Chadbourne, conductor and brakeman, were injured on the Central Vermont railway at Northfield June 3rd, 1903. The train upon which they were employed broke in two and afterwards the two parts collided. Dunbar sustained a sprained ankle and was somewhat bruised, while Chadbourne was not seriously hurt. The accident occurred through no fault of the railway company.

Patrick McMann, a repair man, was injured at Barre on the Central Vermont railway June 4th, 1903. While repairing a car, another car was shunted against it and McMann was run over by one set of trucks, but not by the wheels. He was not seriously injured.

Edward McCarty, occupation unknown, was fatally injured on the Boston & Maine railroad at White River Junction, June 8, 1903. Investigation showed that no person witnessed the accident and it is supposed that McCarty, while stealing a ride on a freight train, fell off and was run over.

Eugene Keiley, a conductor on the Rutland railroad, was injured at North Dorset, June 3, 1903. He attempted to jump on to the caboose of a moving freight train and missed his hold, fell under the truck and his foot was run over. Investigation showed that the accident happened through no fault of the Rutland railroad company or any of the employees thereof.

A. Murray, a brakeman, was injured at Shaftsbury on the Rutland railroad, June 5th, 1903. He fell from the top of a moving freight train by reason of his own carelessness. Both wrists were sprained and he sustained other slight bruises. No responsibility is attached to the operatives of the train.

J. Riley, a conductor on the Rutland railroad was injured at Rutland, June 11th, 1903. He stepped in front of an engine that was backing up and was somewhat injured about the head and shoulders. He attached no blame to any one for the accident.

George Bedor, farm laborer, was fatally injured on the Central Vermont railway at Williston, June 14th, 1903. Bedor was sitting on the platform at the passenger station with his feet on the ends of the ties; he gave no heed to a passing freight train and was struck and internally injured so seriously that he died the next night. No blame is attached to the operatives of the train or to the railway company. Bedor was the trespasser.

C. W. Tilton, a brakeman, on the Central Vermont railway was injured at Alburg, Vt., June 19, 1903. While setting up a brake on a freight car Tilton slipped and fell on the track and his right leg was run over, necessitating its amputation between the ankle and knee. The accident occurred from an unavoidable cause and no blame is attached to any one.

Fred Guyette, occupation unknown, was fatally injured on the Central Vermont railway one mile from Montpelier Junction June 22, 1903; he was lying on the track, apparently asleep, and an extra freight train ran over him.

J. P. Mullen, a brakeman, was injured on the railway of the Delaware & Hudson company, at Poultney, June 12th, 1903. Mullen, while riding a car of coal in on the side track, got down to adjust the knuckle of the coupler and got his right arm between the "dead-woods" bruising his arm quite severely. The

cars were equipped with Trojan couplers, and investigation showed that Mullen received his injuries by reason of his own careless act.

F. D. Miner, a brakeman, was injured at Montpelier Junction on the Central Vermont railway, June 30th, 1903. His injuries, which were not serious, were sustained while reaching over the draw bars to turn an angle cock. He was caught between the "dead-woods" by the slack of the train.

Gordon C. Tatro, brakeman, was injured at St. Albans on the Central Vermont railway, July 7, 1903. He attempted to board engine while in motion, slipped and fell; the engine passed over his left leg which was amputated above the knee. The accident occurred by reason of his own careless act and not through any fault of the railroad company or its employees.

Patrick O'Donnell, occupation unknown, was fatally injured at Westminster on the Boston & Maine railroad, July 7th, 1903. He was a trespasser lying upon the track and was struck by a passing train. He was undoubtedly in an intoxicated condition when the accident happened.

Irving Litchfield, a machinist, was quite severely injured at White River Junction on the Boston & Maine railroad July 21, 1903. He was walking along beside the track, too near the rail, and was struck by a passing train. The accident occurred about nine o'clock in the evening and according to the best information obtainable Litchfield was under the influence of liquor at the time. He was a trespasser.

W. A. Riley, occupation unknown, was fatally injured in the yard of the Rutland railroad at Rutland, July 23, 1903. Riley was a man of dissipated habits and was asleep under a freight car in the yard. Without knowledge of his presence the freight car was moved and run over him. He was a trespasser. No blame can be attributed to the railway company for the accident.

John C. Sweeney, passenger conductor, was fatally injured at Waterbury on the Central Vermont railway, July 24, 1903. Sweeney's train, No. 17, stopped at Waterbury and after giving the motion to start he attempted to step from the station plat-

form to the steps of the coach, while the train was in motion ; he slipped and fell between the platform and the following car and the wheels passed over his right ankle ; Sweeney never recovered from the shock and died the next day. No blame for the accident is attributed to the Central Vermont railway or its employes.

Robert Ingram, brakeman, was fatally injured at St. Johnsbury on the St. Johnsbury & Lake Champlain railroad, July 31, 1903. Ingram was walking backward in front of a moving freight car, adjusting the knuckles ; he fell and was run over by the car and instantly killed. The accident occurred by reason of the careless act of Ingram and not through any fault of the railroad company.

Fannie LaFrance was injured at Brandon on the Rutland railroad, August 1, 1903. Investigation showed that she either stepped or fell from the steps of the passenger coach before the train came to a stop at the station and was thrown upon the depot platform and somewhat bruised. The accident occurred by reason of her own carelessness and not through any fault of the Rutland railroad or its employees.

Allie Shippa, section man, was injured on the Rutland railroad near Wallingford, August 5, 1903. He was thrown from a moving hand car and run over, sustaining injuries that were not very serious. No responsibility can be attached to the railroad company.

Lloyd Potter, George Williams, Fred Coran and Mr. Laskey, passengers, were injured on the Rutland street railway near Castleton, July 12, 1903. Investigation showed that the place where the accident occurred was on a new track which was undermined during a very heavy rain storm. The motorman in passing noticed nothing wrong in the condition of the track but the car tipped over and these four passengers were more or less severely injured. The accident occurred from an unavoidable cause and no precaution which the railway company might have taken would have prevented it. No blame is attributed to the motorman or the railroad company.

Miss E. Canfield, a passenger, was slightly injured at Burlington, on the Central Vermont railroad, August 8th, 1903. Miss

Canfield alighted from a train in the Burlington station and stepped in front of another train ; she did not use proper care and the accident must be attributed to her own careless act.

John Peterson, occupation unknown, was fatally injured on the Rutland railroad at Spring Grove, August 15th, 1903. Peterson was a trespasser walking upon the track and did not get off at the approach of a train. Every effort was made to stop the train and an alarm was blown. No responsibility is attached to the Rutland railroad company or its employees.

John Warwaich, occupation unknown, was slightly injured at Proctor, on the Rutland railroad, August 16th, 1903. He stood too near the track and a passing train struck him. The accident occurred by reason of his own carelessness.

Frank Bump and Frank Branch, farmers, were struck at a highway crossing at Leicester Junction, August 17, 1903. Bump was instantly killed and Branch was slightly injured. Investigation showed that Bump and Branch deliberately drove upon the crossing in front of the approaching train, and that the accident happened through the carelessness of the victims. No blame is attached to the railroad company or its employees.

Newell Whitney, retired farmer, received injuries which afterward proved fatal, on the Hardwick & Woodbury railway August 18, 1903. Whitney, whose age was 76 years, was riding in the caboose, going up the mountain to the granite quarries; cattle on the track caused the sudden stop of the train and Whitney fell from his seat to the floor of the caboose; he sustained injuries which proved fatal six days later. No blame is attached to the railroad company or to its employees for the accident.

Johanna Toohey, a passenger on a car of the Bennington & Hoosac Valley street railway, was slightly injured in the town of Shaftsbury, August 7, 1903.

W. W. Dodge, yard master, was seriously injured at Belows Falls on the Rutland railroad, August 21, 1903. Dodge was climbing to the top of a car when he was struck by the projecting roof of a building, thrown off and run over.

Mrs. Guerdon Hewett, a passenger on the train of the Delaware & Hudson company, was injured at Poultney, August 20,

1903. Mrs. Hewett went out upon the platform of the coach before reaching the station ; the train stopped suddenly and Mrs. Hewett was thrown down. The accident occurred by reason of her own careless act and no blame can be attributed to the company.

H. C. Edgerton, passenger conductor, was injured at Bellows Falls on the Rutland railroad, August 27th, 1903. Edgerton caught the end of one finger in opening a lever while in the discharge of his duties as conductor. No blame can be attributed to the railroad company.

Mrs. Mary Randall, a passenger on a car of the Barre & Montpelier traction company, was slightly injured at Montpelier, October 11, 1902. She attempted to alight from the car while the same was in motion and sustained slight injuries to her shoulder. The accident occurred through her own careless act.

Frank Hollister, a passenger on a car of the Bennington & Hoosick Valley street railway, was slightly injured at Bennington, August 3d, 1903 ; Hollister attempted to board a moving car, slipped and fell. The accident occurred by reason of his own careless act.

Mrs. Roscoe Cole, a passenger on a car of the Bennington & Hoosick Valley street railway, was injured at Bennington, September 5th, 1903. She lost her balance and fell from a car, breaking her wrist. Mrs. Cole sat next to the end of a seat in an open car ; the car stopped and instead of her alighting on that side Mrs. Cole passed across the car in front of several other passengers and before she could get off the conductor gave the signal to start ; other passengers attempted to prevent Mrs. Cole from getting off the car but she insisted and when alighting fell to the ground. Mrs. Cole went to the office of Dr. Goodal where chloroform was administered to her from the effects of which she died. The accident occurred by reason of the careless act of Mrs. Cole and through no fault of the street railway company.

Mary Sheperd, seven years of age was fatally injured at St. Albans on the Central Vermont railroad, September 12th, 1903. The child, with several others, was playing in the north yard and it is supposed that she attempted to board a moving freight train.

She was a trespasser upon the track and no blame for the accident can be attached to the Central Vermont railway or its employees.

W. Scott, section foreman, was injured at Salisbury on the Rutland railroad, September 15th, 1903. He was unloading ties from a car and they fell upon him. No fault is attributed to the railroad company or its employees.

M. Keefe, brakeman, was injured at Bellows Falls on the Rutland railroad, August 1, 1903. He slipped while getting on to the end of a car which was moving toward him and caught his foot in a switch rail; a car wheel run over his toes. The accident occurred by reason of Keefe's careless act.

Joseph Yandow, occupation unknown, was fatally injured on the Central Vermont railroad at Winooski, September 18th, 1903. Yandow was a trespasser upon the track and was struck by some passing train; he was in an intoxicated condition but no further information concerning the accident can be obtained.

————Nattz, three years old, was slightly injured near Castleton on the track of the Delaware & Hudson company, October 26th, 1903. The child was asleep on the bank outside of the rail and got upon her feet when the whistle sounded; the engineer discovered the child and nearly stopped the engine; the injuries received being only a cut on the forehead.

John Holland, brakeman, was injured near Castleton on the track of the Delaware & Hudson company, August 6th, 1903. Holland was climbing from a box car to a coal car on a freight train which was running about fifteen miles per hour; he fell from the train and received bruises which were not considered serious. No blame is attributed to the company or to any of its employees.

George Bonesteel, occupation unknown, was fatally injured at Pownal on the Boston & Maine railroad, August 26th, 1903. Bonesteel was a trespasser upon the track and was struck by a passing train.

Thomas Ledwith, a trackman, was injured at Wells River on the Boston & Maine railroad, October 10, 1903. Ledwith was in an intoxicated condition and lay beside the track with head and arms on the rail. A passing train cut off both hands.

Don Poliza, trackman, was fatally injured on the Boston & Maine railroad at Grouts, August 10th 1903. Poliza stepped in front of a passing train and received fatal injuries. Investigation showed that the accident occurred by reason of Poliza's careless act and through no fault of the railroad company or its employees.

William Clifford, flagman, was injured on the Rutland railroad, August 16th, 1903. Clifford boarded an engine to get a supply of coal to burn in his switch house; in alighting from the engine while the same was in motion he fell and sustained severe injuries. The accident occurred through his own careless act.

Johnnie Finnigan, a child seventeen months old, was fatally injured at Winooski on the Central Vermont railroad, August 10th, 1903. The child attempted to cross the track in front of an approaching train, was struck and instantly killed. No blame is attached to the railroad company for the accident.

Duffey Gagne, occupation unknown, was injured at Brattleboro on the Central Vermont railway, September 19th, 1903. Gagne boarded the train at Brattleboro as a passenger and when the train started, in attempting to alight, he fell between the platforms of two cars in the train and one arm was run over and crushed by the wheels; he was under the influence of liquor and no blame is attached to either the railroad company or any of its employees for the accident.

An unknown man was fatally injured at Pownal on the Boston & Maine railroad, October 22nd, 1903. He was a trespasser on the train and fell from a car and was run over and instantly killed.

J. D. Fitzgeralds, brakeman, was injured at Bellows Falls on the Rutland railroad, October 27th, 1903. He fell from the top of a train and sustained a dislocated shoulder. The injury was caused by reason of Fitzgerald's own carelessness.

J. Dolan, brakeman, was slightly injured at Proctor on the Rutland railroad, October 27th, 1903. Dolan, while riding a freight train, was struck on the head while passing beneath the Clarendon & Pittsford railroad bridge. He sustained only a slight scalp wound.

Michael Kapeller, brakeman, was fatally injured at Windsor on the Central Vermont railway, November 7th, 1903. Kapeller slipped and fell under his train which run over him. No blame is attached to the railroad company or its employees for the accident.

J. W. Denningham, brakeman, was fatally injured at St. Albans on the Central Vermont railway, November 7th, 1903. Denningham stepped off a moving engine, fell and was run over, receiving injuries which resulted in his death the following day. No fault is attributed to the railway company or its employees.

James Pells, coaler and wiper, was slightly injured at Bellows Falls on the Rutland railroad, November 23d, 1903. Pells stepped off the tender of an engine and received bruises to his right side. The accident is attributed to his own careless act.

An unknown person, a passenger on the Rutland railroad, was slightly injured near Cuttingsville, December 21st, 1903. This man was under the influence of liquor and fell from a train; he would not give his name and no information could be obtained as to the cause of the accident.

John Garrity, laborer, a passenger on the Rutland railroad, was injured at North Bennington, December 22nd, 1903. He attempted to jump on to a train after it had started and fell, receiving bruises about the head which were not very serious. The accident must be attributed to his own careless act.

Tuffield Gilmet, occupation unknown, was instantly killed at Richford on the Canadian Pacific railway, December 25th, 1903. Investigation showed that Gilmet was intoxicated, and was struck near a highway crossing and instantly killed. No blame is attached to the railroad company or its employees.

William Shum, laborer, was fatally injured on the Rutland railroad near Wallingford, January 4th, 1904. Shum was a trespasser walking upon the track and was struck by some train; there were no witnesses to the accident and it is concluded that Shum came to his death by reason of his own careless act.

J. H. Brown, a foreman in the yard of the Rutland railroad, was injured at Bellows Falls, January 5th, 1904. The accident

did not occur in the operation of the railroad ; a section of the roof of an engine house fell and Brown received bruises upon his right leg. The case is not one which the law requires to be investigated by the commissioners.

Fred King, a passenger on the Boston & Maine railroad, was injured near North Pownal, December 26th, 1903. It is not known whether this accident occurred within the limits of the state of Vermont or the state of New York. King jumped from a moving train and sustained a fractured skull.

Clayton Jearne, a stone cutter, was slightly injured on the railroad of the Montpelier & Barre traction and power company near Montpelier, January 6th, 1904. Jearne attempted to board a car while the same was in motion and sustained injuries to his left foot. The accident is attributed to his own careless act.

Eugene Martin, laborer, was fatally injured near Waterbury on the Central Vermont railway, January 31st, 1904. Martin was walking or lying on the track and was struck by a freight train just after midnight. He was a trespasser and death resulted from his own careless act.

Mertin Ainsworth, laborer, was fatally injured on the St. Johnsbury & Lake Champlain railroad near Morrisville, February 1st, 1904. Ainsworth was a trespasser on the track of said railroad company and was struck by a train and instantly killed. Investigation showed that no blame can be attached to the railroad company or its employees.

Mrs. E. E. Banforth, a passenger on the Central Vermont railway, was slightly injured in a derailment at Enosburgh Falls, February 4th, 1904. The derailment was caused by a broken wheel of the tender; Mrs. Banforth was a passenger and was thrown down in the car. The accident occurred from a cause which the railway company could not foresee. There was no apparent fault in the wheels of the tender trucks; the engine had been in continuous service and the sudden breaking of a wheel caused the accident.

Charles Searles, occupation unknown, was fatally injured near Northfield Falls on the Central Vermont railway, March 11th,

1904. At about 6:30 p. m., Searles called at the ticket office in Northfield and asked for a ticket to Northfield Falls; he was informed that there was no train stopping there until 8:48 the following morning. He started to walk the track to Northfield Falls and later his remains were found, he having been struck by some train. He was a trespasser upon the railroad track and his own careless act was responsible for his death.

Martin Sumner, farmer, was slightly injured at Braintree on the Central Vermont railway, March 17th, 1904. A train struck his sled at a crossing and he was slightly injured. Every effort was made to stop the train and no blame is attached to the railroad company or its employees.

Louis Eno, yard master, was seriously injured on the Rutland railroad at Bellows Falls, March 21st, 1904. He fell from the top of a car. No responsibility is attached to the railroad company or its employees for the accident.

Fred Wilder, occupation unknown, was fatally injured at Roxbury on the Central Vermont railway, March 19th, 1904. Wilder was walking on or between the tracks of the Central Vermont railway and was struck by No. 2 train at 1:14 o'clock p. m. Neither the engineer or fireman saw him before the accident. The best information obtainable showed that Wilder was under the influence of liquor at the time. He was a trespasser upon the track and came to his death by his own careless act.

M. J. McLaughlin, fireman, was injured on the Rutland railroad at North Bennington, March 30th, 1904. He made a misstep and fell from the tender of his engine.

William McCarthy, electric railway conductor, was injured on the Bennington & Hoosick Valley street railway at Bennington, April 7th, 1904. He stepped off a car before it stopped and one foot was caught under a wheel. The accident was caused by his own careless act, and no blame is attached to the railway company or its employees.

F. Aubrey, brakeman, was injured on the Rutland railroad at Alburgh, April 10th, 1904. Aubrey was passing from the end to the side of a car and was caught between the car and the cattle pen fence; his injuries were not serious.

Delos Murray, carpenter, was slightly injured near St. Albans on the Central Vermont railway, April 11th, 1904. He was a trespasser upon the tracks of the Central Vermont railway and was struck by a passing train. The accident occurred by reason of his own careless act.

Joseph Gilchrist, farmer, was fatally injured on the St. Johnsbury & Lake Champlain railroad five miles from Walden station on April 18th, 1904. Gilchrist was an old man and quite deaf; he drove on to a crossing and was struck by a passing train. The usual warning signals were sounded and an effort made to stop the train. Gilchrist did not use sufficient precaution in approaching the crossing and investigation showed that no blame can be attached to the railroad company or its employees.

Adam Wood, Jr., stone cutter, was fatally injured at Northfield on the Central Vermont railway, April 22nd, 1904. Wood fell from some moving cars and was run over and instantly killed. His duties gave him no rights upon the cars and at the time of the accident he was a trespasser. No responsibility for the accident is attached to the railroad company or its employees.

Simon Rosato, laborer, was fatally injured on the Rutland railroad at Pittsford, April 30th, 1904. He attempted to cross the track ahead of an approaching train and was struck and killed. Investigation showed that Rosato was a trespasser at the time of the accident and that no responsibility can be attached to the railroad company or its employees.

Albert Towslee, farmer, was fatally injured on the Boston & Maine railroad at Pownal, May 6th, 1904. Towslee was struck at the Main street crossing by a passing train; he did not use proper precaution in approaching the crossing and did not heed the warning whistle of the train, if he heard it. The accident resulted from his own careless act and investigation showed that no blame can be attached to the railroad company.

Alice Godette was fatally injured on the Rutland railroad at Sunderland, June 6th, 1904. Miss Godette attempted to cross a bridge ahead of an approaching train and was struck and instantly killed. She was a trespasser.

Mrs. J. H. Wheaton and Samuel Benstein were injured in a derailment on the Rutland street railway near Castleton, June 11th, 1904. This case is still pending with the board.

An unknown man was fatally injured in the yard at Brattleboro, June 16th, 1904. No one saw the accident and it is supposed that he was stealing a ride on the train and fell under the wheel. It is not known whether he was killed by a train of the Central Vermont or Boston & Maine railroad. No further information as to the cause of the accident could be obtained.

TABLE I.

ACCIDENTS FOR TWO YEARS ENDING

NAME OF COMPANY.	PASSENG'RS			EMPLOYEES			OTHERS			TOTAL		GRAND TOTAL.	COUPLING AND UN-COUPLING.	
	Killed	Injured	Total	Killed	Injured	Total	Killed	Injured	Total	Killed	Injured		Killed	Injured
1 Barre.....														
2 Boston & Maine.....		1	1	4	2	6	14	2	16	18	5	23	1	.....
3 Bristol.....														
4 Canadian Pacific.....				1	.....	1	1	1	2	2	1	3	1	.....
5 Central Vermont.....		21	21	12	23	35	18	7	25	30	51	81	1	1
6 Clarendon & Pittsford...				1	.....	1	1	.....	1	2	.....	2	1	.....
7 Delaware & Hudson.....		2	2	.....	4	4	3	6	9	3	12	15	.....	1
8 Grand Trunk.....														
9 Hardwick & Woodbury..	1	.....	1	.....	.....	.....	.....	.....	.....	1	.....	1	.....	.....
10 Hoosac Tun. & Wilmin'n					1	1	.....	.....	.....	.....	1	1	.....	.....
11 Manch'r, Dorset & Granv.														
12 Maine Central.....														
13 Montp'er & Wells River					1	1	1	1	2	1	2	3	.....	.....
14 Rutland.....		8	8	7	25	32	13	5	18	20	28	58	.....	2
15 St. Johns'ry & Lk. Cham.				2	.....	2	4	4	8	6	4	10	1	.....
16 White River Valley.....														
17 Woodstock.....														
Totals.....	1	32	33	27	56	83	55	26	81	83	114	197	5	4

TABLE I.

JUNE 30, 1904.—STEAM RAILROADS. VERMONT.

KIND OF ACCIDENT.

FALLING FROM TRAINS.		EMPLOYEES STRUCK BY TRAINS.		COLLISIONS.		DERAILMENTS.		OTHER TRAIN ACCIDENTS.		AT HIGHWAY CROSSINGS.		TRESPASSERS ON TRACK.		AT STATIONS.		BOARDING AND JUMPING FROM MOVING TRAINS.		OTHER CAUSES.	
Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
4	...	1	...	...	...	...	...	1	2	6	...	6	1	...	...	...	1	...	1
3	2	2	1	4	18	1	15	2	4	1	1	13	2	...	2	3	5	...	...
...	1	...	1	...	...	...	...	...	...	2	3	1	2	...	2	...	1	...	...
...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
1	12	...	2	5	10	1	2	...	3	1	1	11	...	...	1	1	5	...	...
1	1	...	...	...	...	...	...	...	...	2	...	2	3	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
9	17	3	4	9	28	2	17	4	10	14	7	34	8	...	5	4	12	...	1

Physical Condition of Steam Railroads.

BARRE RAILROAD.

The main line of this road is 9.26 miles in length while its yard tracks and sidings aggregate 17.80 miles in length. The rail in use is largely sixty pounds steel, with four-bolt angle bars. The ties are laid about 2,800 to the mile and during the year 1903 ties of all kinds to the number of 8,809 were placed in the road bed. The business of this road is very largely the transportation of granite and the road-bed is generally sufficient for the service required of it. The East Barre extension, the use of which is not very frequent, is not in as good condition as the main line.

The bridges and trestles on the road are now in first-class condition, considerable improvement having been made upon them during the past two seasons. The special statutory requirements calling for the erection of crossing signs, cattle guards, and the blocking of switches and guard-rails have been complied with to the satisfaction of the commissioners. There are only two depots upon the line, one at East Barre and one at Boutwells. No regular passenger trains are run over the road and these depots are not used to any great extent; they are sufficient for the needs of the public.

BOSTON & MAINE RAILROAD.

This road includes the Connecticut and Passumpsic division from White River Junction to the Canada line in the town of Derby, a distance 111.25 miles; a portion of the Fitchburg division from the Massachusetts line, across the town of Pownal, to the New York line, two single tracks with a total of 12.70 miles; and the Vermont Valley railroad from Brattleboro to Bellows Falls, a distance of 24 miles.

Important changes and improvements have been made during the past two years upon the Vermont Valley line. Twelve

miles of new double track have been constructed south of Bellows Falls and numerous curves have been taken out. The passenger depot at Bellows Falls has been rebuilt and is substantially a new station. The road-bed is in first-class condition, laid with seventy-five pound steel and tied 3,200 to the mile. During the year 1903, 4,873 ties were placed in the road-bed, nearly all of which were chestnut. The road-bed is exceptionally well drained.

The depots on this line are in good condition, entirely sufficient for the reasonable requirements of the public and are well kept.

Nearly all the bridges on this line are of iron, steel or stone arch construction; they are in first-class condition.

The special statutory requirements calling for crossing signs, tell-tale warnings, and cattle guards and also the blocking of switches, frogs and guard-rails are fully complied with.

The Connecticut and Passumpsic division is also in good condition. From White River Junction to Bradford this division is laid with fifty-six pound rails which have seen twenty years of service; while the rail is rather light the quality is good and the track has been kept in first-class condition. During the year 1903, 23,044 ties were placed in the road-bed of this division and the road-bed is well ballasted and drained. The traffic over this line between White River Junction and Wells River is largely local and not near so heavy as the traffic north and south of these points.

The attention of the management was called to bridge number twenty-six at Wells River; the report of Mr. C. F. Stowell, bridge expert of the commission, rendered September 30th, 1903, employed this language in a description of the bridge, and a copy of his report was furnished to the management.

"I would call attention to bridge number twenty-six at Wells River. This is an old, plank, lattice bridge and though it appears to be sound it has lost its camber, and is apparently too light for the service demanded of it. It is partly supported by a bent near one end but the bent has a very poor foundation and its carrying capacity is questionable. The deck and roof are much dilapidated and if I were responsible for this bridge I would consider it had outlived its usefulness and would want to renew it as early as practicable."

Mr. Stowell's report concludes with the observation "that in general the bridges on this road show evidence of careful and intelligent supervision. Structures which appear to be open to

any criticism are the exception, not the rule." It is understood by the commissioners that the Boston & Maine management expect to rebuild the Wells River bridge at an early date. Generally speaking, the bridges on this division are of ample capacity to carry any strain liable to be placed upon them.

There are twenty-nine depots on this division in the state of Vermont and almost without exception they are in good condition, well taken care of and sufficient in nearly every respect for the needs of the patrons of the road. The depot at Lyndonville, in which the general offices of the management are located, is an exception to the rule of well kept stations; while there is some improvement over past years, the depot master at that point fails to keep his waiting rooms clean and all about the building is a general air of shiftlessness. The new passenger station at Newport is modern in its appointments and serves well the traveling public at that important point.

Crossing signs, cattle guards and tell-tale warnings are in place wherever required and the law requiring blocking of switches, frogs, and guard rails is very well complied with.

That portion of the Fitchburg division within the state of Vermont is in first-class condition in all respects and the commissioners have no criticism to make respecting it.

It may be said, in general, that the lines of the Boston & Maine railroad are among the best within the state and everywhere show intelligent care. Every item of construction and operation is constantly looked after with skill and intelligence with the result of better service to the public and fewer serious accidents involving loss of life or property than occur upon any other railroad of equal mileage in the state.

BRISTOL RAILROAD.

This line from New Haven Junction, on the Rutland railroad to the village of Bristol is 6.59 miles in length. The traffic is light and the road-bed is probably sufficient for the demands made upon it. The rails are 60 pound steel, tied 2,200 to the mile; the surface and alignment do not reach a very high standard and the road is somewhat rough in consequence. In 1903 2,000 ties, nearly all of which were chestnut and hard pine, were placed in the road-bed. Only one depot is owned by the company; it is located at Bristol and is a model station.

CANADA ATLANTIC RAILWAY.

The Canada Atlantic railway company owns 3.1 miles of line located within the state, reaching from Alburgh to the Canadian boundry line; the company also has trackage rights over the lines of the Central Vermont railway from Alburgh to Swanton. The track is comparatively new and is in good condition. There are no bridges on the line. The special statutory requirements are fully complied with.

CANADIAN PACIFIC RAILWAY.

This company operates the Montreal and Atlantic railway from Canada line, near Richford, to the village of Newport, a distance of 31 miles, 21 miles of which are within the state of Vermont.

The road-bed of this line is in first class condition, having been greatly improved during the past three years; the ballast is excellent in quantity and quality and the road-bed is well drained. Curve braces are used in large numbers and in some of the yards the McPherson continuous rail switch is in use. The yards at every station are protected by semaphores. Tie renewals on this line in 1903 aggregated 11,800.

The rails are for the most part of 80 pound steel, although north of Newport Center they are lighter and somewhat worn; quite a number of low joints were observed along this portion of the line.

The passenger station at Newport Center is poor and is not well kept by the agent; the sanitary conveniences are not what they ought to be.

The bridges on the line are mostly over small openings; the commissioners have no criticism to make respecting their capacity or condition.

The requirements of the statute calling for cattle guards, tell-tale warnings, crossing signs and the blocking of switches, frogs and guard rails are complied with to the satisfaction of the commissioners.

The traffic over this line is heavy and frequent, and during the past three years the management has expended a large amount of money in bringing the road up to a proper standard; it may now be said to be in first-class condition.

CENTRAL VERMONT RAILWAY.

This line comprises 292.30 miles of main and branch lines, with 109.30 miles of yard tracks and sidings; it includes the main line from Windsor to Rouses Point 158.40 miles, and from Swanton Junction to the Canadian line eleven miles; with branch lines from Burlington to Cambridge Junction thirty-four miles, Montpelier Junction to Williamstown 14.90 miles, St. Albans to Richford twenty-eight miles, and South Vernon to South Londonderry forty-six miles. The road-bed of the main line is being constantly improved and this year some thirty-two miles of new eighty pound rails is being laid between Braintree and West Hartford, replacing 72 and 75 pound rails which are to be relaid on the New London division. This nearly completes the entire line from St. Albans to White River Junction, laid with eighty pound steel. Curve braces are used very generously throughout the entire length of the main line and the road-bed is well ballasted and drained. During the season of 1903, 59,419 chestnut and cedar ties were placed in the road-bed between Canada line and Windsor; 10,929 cedar and chestnut ties were placed in the road-bed of the Missisquoi branch between St. Albans and Richford and 5,820 cedar ties were laid in the Burlington and Lamoille branch between Burlington and Cambridge Junction. The narrow gauge road from Brattleboro to South Londonderry received 15,906 chestnut ties, and from Swanton Junction, Vt. to Rouses Point, N. Y., 9,638 of chestnut and cedar were laid. The ballast on the main line is sufficient in quality and quantity and the entire road-bed has been taken care of with skill and intelligence.

The condition of the branch lines is not to be commended. The policy of the management seems to be to keep the line from the Canadian boundary to Windsor, over which the through traffic passes, in first-class condition and up to a high standard of efficiency. But to do this the branch lines have been suffered to deteriorate and the physical condition of some of them is very faulty if not dangerous. The Burlington and Lamoille branch has received new ballast during the past two years but sufficient help is not employed upon the sections to keep the road up in proper surface and alignment. In the early months of the year, when the frost is coming out of the ground, this road is very rough and uneven; the great fault is lack of sufficient help to properly take care of it. The same criticism may be passed upon the Missisquoi branch from St. Albans to Richford. In 1903, ten miles of this

branch was newly ballasted and the management is this year completing the work to Richford. This branch line is one of the most important features of the Central Vermont system and its local passenger and freight traffic is an important item in the earnings of the road. There is no reason why it should not be maintained in a thoroughly good condition and enough help employed to keep the track up to a reasonably high standard of excellence. This cannot be done by three men to a section of track seven miles in length.

Nothing more favorable than the comment above can be said of the branch line from Montpelier to Williamstown. The traffic here is lighter and the earnings are less ; but considerations of safety should lead to important improvements on this line.

The physical condition of the narrow gauge railroad from Brattleboro to South Londonderry has been the subject of public discussion to some extent during the past two years, which finally resulted in an application for the appointment of a receiver. An inspection of this line developed the fact that during the past two years considerable improvement has been made upon the road-bed and during the past four years several bridge structures have been taken from the main line and erected upon this branch, where they will admirably serve. In 1903, 15,906 chestnut ties were placed in the road-bed, nearly or quite all of which are of standard length, so that the track may be relaid at standard gauge as soon as the short ties are all replaced ; this is the evident intention of the management. One of the chief causes of complaint from patrons of the line was the alleged lack of motive power and rolling stock with which to move the freight originating along the line. This has been remedied to some extent and with the physical improvements that are gradually being made it may be expected that this branch line will soon adequately serve all who have occasion to make use of it.

The depots upon the entire system serve fairly well the needs of the patrons of the road. During the past two years the sanitary conveniences at several points have been greatly improved and for the most part the waiting rooms are cleanly and well kept. The closets at Bethel and Royalton are untidy and the attention of the management was called to their condition. The waiting rooms at Middlesex were found in a dirty condition. At Jericho there are no sanitary conveniences and the roof of the station leaks. Substantial improvements are needed here and at Underhill. Improvements in the cleanliness and care of the

station at Essex Junction were noted. At East Alburgh a new roof has been built over the station and the building painted inside. A new depot has been built at North Enosburgh, and at this writing the new station at Montpelier Junction is nearing completion.

Several new steel bridges have been erected during the past two years and with the exception of the old, double track, two truss plank lattice bridge at Montpelier, the bridge structures on this branch received little criticism from Mr. Charles F. Stowell who accompanied the commissioners on their inspection in 1903. Concerning the bridge referred to, Mr. Stowell said: "This bridge is apparently performing its functions properly, being supported by wooden bents, but its margin of safety is a matter of conjecture and it would certainly be dangerous to use if the bents were removed, as I understand generally happens when the ice goes out. In view of its dilapidated condition, and the great amount of traffic which it has carried it would seem that the railroad company would consider it advisable to replace these with stronger and more modern structures." This report was conveyed to the management.

The special statutory requirements relating to crossing signs, cattle guards, tell-tale warnings and the blocking of switches, frogs and guard-rails are generally complied with; in some instances it was found that the blocking of switches, frogs and guard-rails in the yards at junction points were not in as good condition as the law contemplates and the attention of the management of this road, as well as of every other road in the state, was called to this matter by a circular letter from the commissioners dated September 24th, 1903. On October 31st, 1903, the commissioners were advised that all switches, frogs and guard rails on the line of this company in Vermont had been blocked in accordance with the requirements of the law.

CLARENDON & PITTSFORD RAILROAD.

This line comprises 16.28 miles of track and 3.80 miles of yard tracks and sidings. It is used exclusively for the transportation of marble for the Vermont marble company and no passenger trains are operated over the road. Its physical con-

dition is sufficiently good for the purpose of the management and for the safety of employees. In 1903, 10,000 hard pine ties were placed in the road-bed. The bridges are sufficiently strong and are well maintained.

DELAWARE & HUDSON RAILROAD.

There are 36.65 miles of the Delaware & Hudson system within the state of Vermont and also 14.82 miles of yard tracks and sidings. The line runs from Rutland to Eagle Bridge, New York, 29.82 miles and from the New York state line to Castleton, 6.83 miles. The road-bed is fully up to the fair standard which has been maintained for a number of years; the ballast is sufficient and of fair quality, the road-bed is well drained and the track is tied about 2,850 to the mile.

The bridges are nearly all of steel and the structures are in first-class condition and plainly show the careful attention of the management. They are all of sufficient capacity to withstand any strain to which they are liable to be subjected.

The depots on this road are not what they ought to be, the one at Castleton being a very poor and ancient example of a railroad station. The surroundings of the passenger station at Fair Haven are crowded and inconvenient and the station is wrongly located. The citizens of these towns have made no complaint to the commissioners and doubtless the Delaware & Hudson company will be content with old and dilapidated structures as long as the communities which they serve demand no better accommodations.

The special statutory requirements are well complied with and highway grade crossings are fully protected with crossing signs and cattle guards.

GRAND TRUNK RAILWAY.

The Grand Trunk company operates the Atlantic & St. Lawrence railroad; that part of the line within Vermont extends from the Canadian line at Norton's mills in the town of Norton to the Connecticut river at North Stratford, N. H., a distance of 30.56 miles; there are also 9.78 miles of yard tracks and sidings.

The road-bed is well ballasted and is laid principally of 80 pound steel, several miles of new steel having been laid during

the season of 1904. The right of way is well kept, the road-bed well drained and the ties are in good condition; 6870 cedar and oak ties were placed in the road-bed during the season of 1903. The traffic over this line is very heavy and the road is being well kept up to the Grand Trunk standard.

What is perhaps the finest passenger station within the state of Vermont has been erected at Island Pond. It contains commodious waiting rooms, baggage and express rooms, offices for the local officials and offices for the United States customs officials on the second floor. Its every appointment is up to date. The other improvements at Island Pond comprise a new and modern round house with 20 stalls and an over-head pass to carry street traffic entirely across the yards of the company. All these improvements are more fully described in other parts of this volume.

The bridges on this line are all in first-class condition and capable of carrying any strain to which they are liable to be subjected; the stone masonry is first-class. No criticism can be passed upon the character of these structures.

The company has complied with the special statutory requirements calling for the erection of crossing signs, cattle guards and the blocking of switches, frogs and guard rails.

HARDWICK & WOODBURY RAILROAD.

This line of road extends from Granite Junction on the St. Johnsbury and Lake Champlain railroad to the granite quarries in the town of Woodbury, a distance of 9.50 miles; It has three miles of side tracks.

This road has been considerably improved during the past two years. Several high trestles have been filled with granite grout, and at one place nearly 2,000 car loads of stone has been dumped to fill the trestle. In 1903, 4,500 new ties were placed in the road-bed and general repairs have been quite extensive. There is no passenger traffic of any consequence upon the line and no depots. The bridges, spanning one or two small openings, are sufficient in strength and with the completion of the work of filling the trestles only one or two bridge structures will remain. Most of the frogs, switches and guard rails are fairly well blocked, but there are still some omissions.

HOOSAC TUNNEL & WILMINGTON RAILROAD.

This line extends from Hoosac Tunnel, Massachusetts, to Wilmington, Vermont, a distance of 25 miles of which 16.78 miles are in Vermont.

This is a narrow gauge road and laid with 60 pound steel, with the exception of a few miles from Wilmington south, which is old 30 pound steel. The road-bed is not very well drained in many places and the quantity of ballast is hardly sufficient. The track is somewhat rough because of the fact that the rails were taken from the Boston & Albany railroad and were laid inside out. In 1903, 9,000 new ties were placed in the road-bed.

The bridges are in fair condition and are of sufficient strength to carry the traffic; several small openings have been closed during the past few years, pipe culverts having been placed in position and covered over; in two instances old boiler shells have been made to do culvert service. A considerable freight and passenger business is done and in most respects the line is as well taken care of as can be expected under all the circumstances. The essential element of safety seems to be the first consideration of the management and the road is being operated prudently.

The depots are not being kept up quite as well as in former years, but they still serve fairly well the demands of the public.

Crossing signs, guards and blocking are in fair condition.

MAINE CENTRAL RAILROAD.

This system has only 13.85 miles of main line in Vermont, with 3.80 miles of yard tracks and sidings; the line is located in the towns of Guildhall, Maidstone, Brunswick, and Canaan.

The road-bed is kept in good condition and in good ballast. In 1903, 2,125 new ties were placed in the line within this state and the usual repairs were made upon the road-bed.

The bridges are all of good structure and the stone work furnishes fine examples of masonry; no criticism can be made of the bridge structures.

Switches, frogs, and guard rails are well blocked and crossing signs and cattle guards are in place wherever required.

MANCHESTER, DORSET AND GRANVILLE RAILROAD.

This is a new line completed in 1903 extending from Manchester to West Dorset, a distance of 5.09 miles, with side tracks of .50 miles. The road was opened for freight traffic April 1st, 1903 and the passenger service was inaugurated September 23d, 1903. The freight business is largely the transportation of marble from the Dorset quarries to the finishing mills in Manchester. The road is in fair condition for a new enterprise and each year is being improved physically.

MONTPELIER AND WELLS RIVER RAILROAD.

This line extends from Montpelier to Wells River, a distance of 43.62 miles, with eight miles of yard tracks and sidings.

The road-bed is in excellent condition, several miles of new 60 pound steel have been laid during the present year and the ballast is ample and of good quality. In 1903, 21,053 new ties were placed in the track and tie plates and curve braces are being used to some extent.

The road-bed is fairly well drained and the surfacing and alignment show intelligent work on the part of the track-men.

The bridges are believed to be of sufficient strength for the traffic of the road, although some are of rather light construction and need the constant watchfulness of the officials. The bridge structures are old, most of them having seen service since the road was built in 1873; but they have been strengthened from time to time and bid fair to serve for some years to come.

The depots on this line are especially good and well maintained. Some of them are model structures for small country towns but this commendation cannot be extended to the structure at Barre. This road should join with the Central Vermont system in the erection of a union station at Barre suitable for the demands of the public at that point and worthy of a progressive city of 10,000 people. The special statutory requirements calling for crossing signs at highway grade crossings, cattle guards, and the blocking of switches, frogs and guard rails are fully complied with; tell-tale warnings were also in place wherever required.

RUTLAND RAILROAD.

This line extends from White Creek on the New York state line to the Canadian boundary a distance of 161.42 miles; from the New York state line on the Chatham division to North Bennington a distance of 9.79 miles; from Bellows Falls to Rutland 52.21 miles; from Alburgh to Rouses Point 3.60 miles; and from Leicester Junction to the New York state line 13.76 miles, making a total of 240.78 miles, of main line within the state; it has 48.11 miles of yard tracks and sidings.

The road-bed on the main line is in very good condition throughout its entire length. For the most part it is laid with 80 pounds steel, is well ballasted and drained. During the season of 1903, 52,880 new ties, considerably more than one-half of which were of hard pine, were laid in the road-bed of the main line. The ballast of the main line from Burlington to Rouses Point is largely crushed stone and this portion of the line, although comparatively new, is in good condition. The line from Rutland to Bellows Falls has been newly laid with 80 pound steel rails since the publication of the last report and this part of the road has been greatly improved. The Addison branch, like many other branch lines in the state, is in great need of thorough repairs. Not enough help is employed on this branch to keep it in good surface and alignment and there is great need of additional ballast. The traffic over this branch is not very heavy and not very frequent, but considerations of safety ought to prompt the management to maintain it properly. The tie renewals upon this branch in 1903 were only 2,212, an average of only 172 per mile. This is hardly sufficient to keep the road properly tied and a large number of new ties should be laid at an early date. During the past few years the entire Rutland system has been greatly improved in every respect and at present the main line compares very favorably with any other railroad in the state; it is the evident intention of the management to maintain in the future the standard now reached. Considerable improvement has been made in the Chatham branch from Bennington south, but this line is not yet in first-class condition.

A large amount of work has been done in recent years upon the bridge structures of this system and the commissioners have no criticism to make respecting any bridge structure on the main line. For the most part they are modern steel structures of heavy pattern and of ample margins of safety.

A number of the depots upon the Rutland system fail to provide adequate accommodations for the patrons of the road. Some progress has been made during the last two years in substantial improvements upon depot structures but a great deal still remains to be done. The passenger station at Bellows Falls has been substantially rebuilt by the Rutland and Boston & Maine systems; a new passenger station has been erected at Proctorsville, and one at Fowler; repairs have also been made upon the passenger station at Manchester. In July, 1904, the passenger station at East Wallingford was burned and at South Wallingford an old car still does service. The sanitary conveniences at Cuttingsville, Proctorsville, Shaftsbury and Whiting are none of them properly cared for. The depots at Danby and Arlington are both cleanly kept but are old and dilapidated buildings which need substantial repairs or renewals. The structure at Rutland, which for several years has been beyond the powers of description, is being rebuilt and the management promises the people of that city a handsome and adequate depot structure.

The special statutory requirements calling for crossing signs, at highway grade crossings, cattle guards, tell-tale warnings, and the blocking of switches, frogs and guard rails are very well complied with. On the Chatham branch several new crossing signs have been erected at the request of the commissioners.

ST. JOHNSBURY & LAKE CHAMPLAIN RAILROAD.

This line extends across the northern portion of the state from Maquam Bay on Lake Champlain to Lunenburg, a distance of 120 miles, with a branch line from North Concord to East Haven 11.50 miles in length, making a total of 131.50 miles. There are 21.64 miles of yard tracks and sidings.

The road-bed of this line has been somewhat improved in recent years and that portion of it east of East Fletcher station is in very fair condition. The traffic over this line is largely local and yields little or nothing in the way of income that can be devoted to permanent improvements. The line west of East Fletcher to Swanton is in need of ballast and the track is not properly surfaced and aligned; the joints of the rails are many of

them low and the number of section men is too few to properly care for the track. The tie renewals for 1903, including the Victory branch, aggregated 55,088, an average of 420 per mile.

There are nearly one hundred bridges on this line, most of which are of wood. These structures are for the most part in good condition and have been strengthened from time to time so that they are sufficient for the strains to which they are subjected. A fine new wooden lattice bridge at Sheldon Junction was completed in the spring of 1903. Respecting bridge number 10 at St. Johnsbury, Mr. Stowell, engineer for the commissioners, in his report for 1903 says: "Since my last inspection (which was in 1901) bridge number 10, at St. Johnsbury, shows distinct signs of deterioration and I believe it full time to renew this structure as soon as it can be conveniently done. The present bridge is over thirty years old and is a very light structure, not designed for carrying any such loads as it is now subjected to. It is slowly settling down, which is a sure sign of incipient failure and in the course of time this will go so far, if not checked or relieved, that the bridge can no longer support its loads and will fail." This report was communicated to the management.

The depots on this line are generally in a first-class condition. Johnson and Hyde Park are excellent examples of depot structures, and at Wolcott substantial repairs have made a comparatively new station. A new station has been erected at Hyde Park and another small one at Fitz-Dale.

Two crossing signs were found to be missing at the time of the annual inspection in 1904, but it is understood that they are now in place. In some instances the blocking of switches, frogs and guard rails has become somewhat decayed; all other statutory requirements are fully complied with.

WHITE RIVER RAILROAD.

For the physical condition of this road refer to pages 12, 120-123 of this volume.

WOODSTOCK RAILWAY.

This line is 13.88 miles in length and extends from White River Junction to Woodstock; it has 1.12 miles of sidings.

The road-bed is in fair condition and in very good ballast; the rails are of steel, weighing 56 and 60 pounds to the yard. During the season of 1903, 4,100 new ties were placed in the road-bed. The road-bed is fairly well drained, and, in a general way, may be said to be in all respects sufficient for the traffic passing over it.

The bridges on this line are not adapted to withstand a much greater strain than that to which they are at present subjected; some improvement has been made in the floor systems of some of the shorter bridge structures but in certain instances the floors are too widely spaced and not properly secured against bunching.

The depot buildings are in good repair and serve fairly well the demands of the patrons of the road; they are generally well cared for by the agents.

The special statutory requirements are complied with.

Physical Condition of Electric Railways.

The physical condition of the electric railways in this state is set forth in a general way on pages 13 and 14 of this volume. Not much further need be said respecting the general condition of their road-beds. The bridge structures were all examined by Mr. C. F. Stowell in 1903, and his report was transmitted to the management of each road. Many of the bridge structures, while of sufficient strength to carry the loads imposed upon them, are deficient in their floor systems and in their approaches. It has been very difficult to secure the correction of such defects upon all of the roads, with the exception of the Rutland street railway, Burlington traction company and the Springfield electric railway. The financial condition of the other street railways in the state is such that any substantial improvements in their road-beds or bridge structures necessarily imposes a severe tax upon their resources. Within some short day large sums of money must be spent upon these roads in order to keep them safe for public service. The commissioners are endeavoring to carefully note their deterioration and in good time will take such action respecting their condition as is necessary to protect the traveling public.

Steam and Electric Railroads.

HISTORY, OFFICERS AND DIRECTORS.

June 30, 1904.

STEAM RAILROADS.

ATLANTIC & ST. LAWRENCE RAILROAD COMPANY.

OFFICERS.

Title.	Name.	Location of Office.
President,	Chas. M. Hays,	Montreal, P. Q.
Vice-President,	Frank W. Morse,	Montreal, P. Q.
Manager,	F. H. McGuigan,	Montreal, P. Q.
General Freight Manager,	J. W. Loud,	Montreal, P. Q.
Solicitor,	C. A. Hight,	Portland, Me.
Clerk and Treasurer,	W. W. Duffett,	Portland, Me.

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of Term.
Chas. M. Hays,	Montreal, P. Q.	Until successors are elected.
Frank W. Morse,	Montreal, P. Q.	
F. R. Barrett,	Portland, Me.	
W. W. Duffett,	Portland, Me.	
W. W. Brown,	Portland, Me.	
E. A. Noyes,	Portland, Me.	
P. G. Brown,	Portland, Me.	
J. W. Loud,	Montreal, P. Q.	

Date of last meeting for election of directors: August 2, 1904.
(No quorum.)

Post office address of general office; Portland, Me.

HISTORY.

Chartered as the Atlantic and St. Lawrence railroad in Maine, February 10, 1845, in New Hampshire, June 30, 1847, in Vermont, October 27, 1848. Road opened from Portland, Me., to Island Pond, Vt., January 29, 1853. On August 5, 1853, road was leased to the Grand Trunk railway company of Canada for 999 years. Interest and dividends are guaranteed by the latter company at the rate of 6% per annum.

BARRE RAILROAD COMPANY.

OFFICERS.

Title.	Name.	Location of Office.
President.	A. D. Morse,	Barre, Vt.
Vice-President and Managing Director,	W. A. Stowell,	Montpelier, Vt.
Clerk and Treasurer,	F. W. Stanyan,	Montpelier, Vt.
General Superintendent,	F. W. Stanyan,	Montpelier, Vt.

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of Term.
A. D. Morse,	Barre, Vt.	May 25, 1904.
W. A. Stowell,	Montpelier, Vt.	" "
E. L. Smith,	Barre, Vt.	" "
John Trow,	Barre, Vt.	" "
F. W. Stanyan,	Montpelier, Vt.	" "

Date of last meeting of stockholders for election of directors: June 9, 1904.

Post office address of general office: Montpelier, Vt.

HISTORY.

This road was organized under the general laws of the state, its articles of association being filed with the secretary of state, April 9, 1888. Construction of the main line was completed so that the road was opened for business in 1889.

BRISTOL RAILROAD.

OFFICERS.

Title.	Name.	Location of Office.
President,	P. W. Clement,	Rutland, Vt.
Superintendent, }	Ralph Denio,	Bristol, Vt.
Treasurer,		

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of Term.
P. W. Clement,	Rutland, Vt.	When successor is elected.
H. G. Smith,	Rutland, Vt.	" "
C. P. Bush,	Bristol, Vt.	" "
W. P. Clement,	New York City.	" "
W. N. Gove,	Lincoln, Vt.	" "
E. B. Patterson,	Bristol, Vt.	" "
Ralph Denio,	Bristol, Vt.	" "

Date of last meeting for election of directors: August 8, 1904.

Post office address of general office: Bristol, Vt.

HISTORY.

This company was chartered by the general assembly of the state of Vermont in 1882. It was organized in 1890, and the road was opened to the public, January 5, 1892.

BOSTON & MAINE RAILROAD.

OFFICERS.

Title.	Name.	Location of Office.
President,	Lucius Tuttle,	Boston, Mass.
Second Vice President,	Wm. F. Berry,	Boston, Mass.
Third Vice-President,	Frank Barr,	Boston, Mass.
Fourth Vice-President and Gen. Auditor,	Wm. J. Hobbs,	Boston, Mass.
Corporation Clerk,	Wm. B. Lawrence,	Boston, Mass.
Treasurer,	Herbert E. Fisher,	Boston, Mass.
Assistant Treasurer,	John F. Webster,	Concord, N. H.
Attorney or General Counsel	Richard Olney,	Boston, Mass.
Asst. General Auditor,	S. H. McIntosh,	Boston, Mass.
Asst. General Manager,	C. E. Lee,	Boston, Mass.
Chief Engineer,	H. Bissell,	Boston, Mass.
Asst. Chief Engineer,	F. A. Merrill,	Concord, N. H.
General Supt.,	D. W. Sanborn,	Boston, Mass.
Division Supt.,	Wm. Merritt West Div.,	Boston, Mass.
Assistant Supt.,	C. W. Anderson,	West Div., Boston, Mass.
Division Supt.,	W. T. Perkins, East Div.,	Boston, Mass.
Assistant Supt.,	Henry Scannell, "	Boston, Mass.
Assistant Supt.,	W. M. Sanborn, "	Sanbornville, N. H.
Division Supt.,	W. R. Mooney,	W. N. & P. Div., Nashua, N. H.
Asst Division Supt.,	H. W. Davis, "	Nashua, N. H.
Division Supt.,	W. G. Bean, South. Div.,	Boston, Mass.
Asst. Division Supt.,	H. C. Robinson, "	Boston, Mass.
Division Supt.,	W. F. Ray, Conc. Div.,	Concord, N. H.
Asst. Division Supt.,	Chas A. Messer, "	Concord, N. H.
Division Supt.,	H. E. Folsom, Con. & P. Div.	Lyndonville, Vt.
Asst. Division Supt.,	W. H. Ford, "	Lyndonville, Vt.
Asst. Division Supt.,	G. L. R. French, "	Springfield, Mass.
Division Supt.,	Geo. E. Cummings,	W. M. Div., Woodsville, N. H.
Division Supt.,	A. S. Cheever, Fitch. Div.,	Boston, Mass.
Asst. Division Supt.,	E. A. Smith, "	Boston, Mass.
Asst. Division Supt.,	M. P. Snyder, "	Mechanicville, N. Y.
Supt. Telegraph,	S. A. D. Forristall,	Boston, Mass.
Freight Traffic Mgr.,	M. T. Donovan,	Boston, Mass.
Exp. Frt. Traffic Mgr.,	A. S. Crane,	Boston, Mass.
Gen. P. & T. Agent,	D. J. Flanders,	Boston, Mass.
Asst. G. P. & T. Agt.,	Geo. E. Sturtevant,	Boston, Mass.
Asst. G. P. & T. Agt.,	F. E. Brown,	Concord, N. H.
Asst. G. P. & T. Agt.,	Geo W. Storer,	Boston, Mass.
Gen. Baggage Agent,	C. J. Wiggin,	Boston, Mass.
Supt. Union Station,	Geo H. Folger,	Boston, Mass.

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of Term.
Lucius Tuttle,	Boston, Mass.	October 12, 1904.
Samuel C. Lawrence,	Medford, Mass.	" "
Richard Olney,	Boston, Mass.	" "
O. W. Sulloway,	Franklin, N. H.	" "
Joseph H. White,	Brookline, Mass.	" "
Walter Hunnewell,	Wellesley, Mass.	" "
Henry R. Reed,	Boston, Mass.	" "
Lewis Cass Ledyard,	New York, N. Y.	" "
Henry M. Whitney,	Brookline Mass.	" "
Henry F. Dimock,	New York, N. Y.	" "
William Whitney,	Holyoke, Mass.	" "
Chas. M. Pratt,	New York, N. Y.	" "
Alexander Cochrane,	Boston, Mass.	" "

Date of last meeting for election of directors: October 14, 1903.

Post office address of general office: Boston, Mass.

HISTORY.

The Boston & Maine railroad was organized June, 1835, under the laws of the commonwealth of Massachusetts, state of New Hampshire and state of Maine.

The Boston & Maine railroad system is formed by consolidation of several railroad corporations, organized under the laws of Massachusetts, Maine and New Hampshire, and reference may be had to the statutes of these states for particulars as to the laws authorizing such consolidation.

This system in Vermont includes the Ashuelot branch of the Connecticut river railroad from South Vernon to Keene, N. H., less than one mile of which is in Vermont, and the Connecticut and Passumpsic Rivers railroad from White River Junction to the Canadian line in the town of Derby.

The Connecticut & Passumpsic Rivers railroad company was chartered October 27th, 1843, and organized January 15th, 1846, under the laws of Vermont. On June 1st, 1887, it was leased for ninety-nine years from January 1st, 1887, to the Boston & Lowell railroad and passed with the lease of that road to the Boston & Maine. The agreed rental is all operating expenses and liabilities, \$3,000 per annum for corporation expenses, interest on funded debt and a dividend on preferred capital stock of 5% per annum for first ten years and 6% thereafter.

The Boston & Maine railroad also operates the Vermont Valley railroad under a contract. (See Vt. V. R. R.)

CANADIAN PACIFIC RAILWAY.

OFFICERS.

Title.	Name.	Location of Office.
President,	Thos. G. Shaughnessy,	Montreal.
Vice-President,	D. McNicoll,	Montreal.
2nd Vice-President,	W. Whyte,	Winnipeg.
3rd Vice-President,	I. G. Ogden,	Montreal.
4th Vice-President,	Geo. M. Bosworth,	Montreal.
Secretary,	Chas. Drinkwater,	Montreal.
Chief Solicitor,	A. R. Creelman, K.C.,	Montreal.
Treasurer,	W. Sutherland Taylor,	Montreal.
Gen. Supt. of Trans.		
Eastern Lines,	C. W. Spencer,	Montreal.
Pass. Traffic Manager,	Robt. Kerr,	Montreal.
Frt. Traffic Manager,	W. R. McInnes,	Montreal.
Chief Engineer,	W. F. Tye,	Montreal.
Asst. to the Vice-Pres.,	W. R. Baker,	Montreal.
Mang. Steams'p Lines,	Arthur Piers,	Montreal.
Gen. Supt. Pacific Div.,	R. Marpole,	Vancouver.
Gen. Supt. Ont. Div.,	H. P. Timmerman,	Toronto.
Gen. Supt. East. Div.,	James Osborne,	Montreal.
Gen. Supt. Cent. Div.,	G. J. Bury,	Winnipeg.
Gen. Supt. West. Div.,	R. R. Jamieson,	Calgary.
Gen. Supt. Atlan. Div.,	William Downie,	St. Johns, N. B.
Gen. Supt. Lk. Sup. Div.,	F. P. Brady,	North Bay.
Mang. of Telegraphs,	Jas. Kent,	Montreal.
Land Commissioner,	F. T. Griffin,	Winnipeg.
Supt. of Irrigation and		
B. C. Ld. Com.,	J. S. Dennis,	Calgary.
Dep. Sec'y and Regis.		
of Transfers,	Harry Moody,	London, S. W.
Europ'n Traffic Mang.,	Archer Baker,	London, S. W.
Trans. Agts., Agents of the Bank of Montreal, 59 Wall St., New York.		
Montreal Transfer Office, Office of the Secretary, Montreal.		

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of Term.
Sir William C. Van Horne,		
K. C. M. G.,	Montreal.	Until Relieved.
Rt. Hon. Lord Strathcona		
and Mount Royal,	Montreal.	"
R. B. Angus,	Montreal.	"
E. B. Osler,	Toronto.	"
Sir Sandford Fleming,		
K. C. M. G.	Ottawa.	"
G. R. Harris,	Boston.	"
W. D. Matthews,	Toronto.	"
Thos. Skinner,	London, Eng.	"
C. R. Hosmer,	Montreal.	"
Hon. Sir Geo. A. Drum-		
mond, K.C.M.G., Senator,	Montreal.	"
Hon. R. MacKay, Senator,	Montreal.	"
R. G. Reid,	Montreal.	"
C. H. MacKay,	New York.	"
D. McNicoll,	Montreal.	"
Sir Thos. G. Shaughnessy,	Montreal.	"

Post office address of general office: Montreal, P. Q.

Post office address of operating office: Farnham, P. Q.

HISTORY.

The Canadian Pacific railway company operates the line of the Montreal & Atlantic railway for and on account of the proprietors. The latter company succeeded to the rights of the Southeastern railway company October 1st, 1894, and operates that part of its line which is in Vermont and which was chartered and constructed as the Massihippi & Clyde Rivers railroad. The latter road was sold to the Newport & Richford railroad company in 1880. June 19th, 1881, the Canadian Pacific railway company leased this line for a period of 99 years.

CENTRAL VERMONT RAILWAY COMPANY.

OFFICERS.

Title.	Name.	Location of Office.
President and Chairman Executive Committee,	Chas. M. Hays,	Montreal, P. Q.
Vice-President and General Manager,	E. H. Fitzhugh,	St. Albans, Vt.
Freight Traffic Manager,	John W. Loud,	Montreal, P. Q.
Attorney,	C. W. Witters,	St. Albans, Vt.
Chief Surgeon,	J. Alex. Hutchison,	Montreal, P. Q.
Treasurer and Clerk,	W. H. Chaffee,	St. Albans, Vt.
Auditor,	W. G. Crabbe,	St. Albans, Vt.
General Passenger Agent,	J. E. Bentley,	St. Albans, Vt.
General Freight Agent,	J. E. Dalrymple,	St. Albans, Vt.
Supt. Transportation,	W. E. Mullins,	St. Albans, Vt.
Supt. Northern Division,	C. E. Soule,	St. Albans, Vt.
Asst. Supt. South'n Division,	E. D. Nash,	New London, Conn.
Purchasing Agent,	J. B. Laurie,	St. Albans, Vt.
Supt. Tel. and Car Acct.,	M. Magiff,	St. Albans, Vt.
Supt. Motive Power,	A. Buchanan, Jr.,	St. Albans, Vt.
Master Car Builder,	James Coleman,	St. Albans, Vt.
General Roadmaster,	W. P. Elrod,	St. Albans, Vt.
Engr. and Supt. Structures,	J. M. Morrison,	St. Albans, Vt.

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of Term.
Chas. M. Hays,	Montreal, P. Q.	Term expires June 30, but hold office until annual meeting in October, 1904.
E. C. Smith,	St. Albans, Vt.	
E. H. Fitzhugh,	St. Albans, Vt.	"
E. H. Baker,	Boston, Mass.	
J. G. McCullough,	North Bennington, Vt.	"
Jno. Bell,	Belleville, Ont.	
J. W. Stewart,	Middlebury, Vt.	"
S. E. Kilner,	120 Broadway, New York.	
A. Tuttle,	Fairhaven, Vt.	"
J. L. Martin,	Brattleboro, Vt.	
Dr. W. S. Webb,	Shelburne, Vt.	"
Chas. P. Smith,	Burlington, Vt.	
H. B. Day,	Boston, Mass.	"

Date of last meeting for election of directors: October 13, 1903.

Post office address of general office: St. Albans, Vt.

HISTORY.

The Central Vermont railway company was chartered November 16, 1898, "for the purpose of acquiring the title to and operating the lines of the Central Vermont railroad company, the Missisquoi Valley railroad, the Burlington & Lamoille Valley railroad company, and also the lease of the New London Northern railroad." It was organized and commenced operating May 1, 1899.

CLARENDON & PITTSFORD RAILROAD.

OFFICERS.

Title.	Name.	Location of Office.
President,	F. D. Proctor,	Proctor, Vt.
Vice-President,	Redfield Proctor,	Proctor, Vt.
Secretary and Gen. Counsel,	F. C. Partridge,	Proctor, Vt.
Treasurer and Clerk,	E. R. Morse,	Proctor, Vt.

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of Term.
Redfield Proctor,	Proctor, Vt.	September, 1903.
F. D. Proctor,	Proctor, Vt.	" "
F. C. Partridge,	Proctor, Vt.	" "
E. R. Morse,	Rutland, Vt.	" "
S. A. Howard,	Rutland, Vt.	" "
C. J. Smith,	Boston, Mass.	" "
W. R. Page,	Proctor, Vt.	" "

Date of last meeting for election of directors: November 29, 1902.
Post office address of general office: Proctor, Vt.

HISTORY.

Organized under the general laws of the state, September 10, 1885. The road commenced operation in July, 1886. It was constructed to handle the product of the Vermont Marble company.

DELAWARE & HUDSON COMPANY.

OFFICERS.

Title.	Name.	Location of Office.
President,	David Willcox.	New York City.
Vice-President,	Alexander E. Orr,	New York City.
Chairman of Executive Com.	Robert M. Olyphant,	New York City.
Second Vice-President,	Abel I. Culver,	Albany, N. Y.
Ass't to Sec. Vice-President,	T. B. Dixey,	Albany, N. Y.
Treasurer,	Charles A. Walker,	New York City.
Secretary,	F. Murray Olyphant,	New York City.
General Counsel,	William S. Opdyke,	New York City.
Resident Counsel,	Lewis E. Carr,	Albany, N. Y.
Comptroller,	Luman H. Stewart,	Albany, N. Y.
Assistant Comptroller,	William H. Davies,	New York City.
General Sales Agent,	Thomas F. Torrey,	New York City.
Assistant Gen. Sales Agent,	J. G. Elsele,	Scranton, Pa.
Supt. of Coal Department,	C. C. Rose,	Scranton, Pa.
General Supt. of R. R. Dept.	A. J. Stone,	Albany, N. Y.
General Freight Agent,	Paul Wadsworth,	Albany, N. Y.
Assistant Gen. Freight Agent,	C. E. Rolfe,	Albany, N. Y.
General Passenger Agent,	J. W. Burdick,	Albany, N. Y.
Ass't Gen. Passenger Agent,	A. A. Heard,	Albany, N. Y.
Supt. of Motive Power,	J. H. Manning,	Albany, N. Y.
Chief Engineer,	James MacMartin,	Albany, N. Y.
Consulting Elect. Engineer,	Axel Eckstrom,	Albany, N. Y.
Pur. Agt. of R. R. Dept.,	J. White Sprong,	Albany, N. Y.
Superintendent of Stores,	J. G. Bateman,	Albany, N. Y.
Industrial Agent,	W. J. Mullin,	Albany, N. Y.
Real Estate Agent.	W. L. Lawrence,	Scranton, Pa.

BOARD OF MANAGERS.

Name.	Post Office Address.	Date of Expiration of Term.
Robert M. Olyphant,	New York City.	May, 1905.
Alexander E. Orr,	New York City.	" "
Chauncey M. Depew,	New York City.	" "
James W. Alexander,	New York City.	" "
John Jacob Astor,	New York City.	" "
R. Somers Hayes,	New York City.	" "
Frederick Cromwell,	New York City.	" "
David Willcox,	New York City.	" "
R. Suydam Grant,	New York City.	" "
George I. Wilber,	Oneonta, N. Y.	" "
Charles A. Peabody,	New York City.	" "
Edward H. Harriman,	Arden, N. Y.	" "
James H. Hyde,	New York City.	" "

Date of last meeting for election of directors, Tuesday, May 10th, 1904.

Post office address of general offices: 21 Cortlandt Street, New York city.

Post office address of operating office: Albany, N. Y.

HISTORY.

The Delaware & Hudson company is engaged in the mining, selling, and transporting to market its own coal. The railroad lines operated by it in Vermont were originally chartered as the Rutland & Washington, and the Rutland & Whitehall railroads

and were leased to the Rensselaer & Saratoga railroad company. After being operated by the latter company for several years they were, on March 1, 1871, leased to the Delaware & Hudson company with other roads, by which they have since been operated.

HARDWICK & WOODBURY RAILROAD.

Title.	Name.	Location of Office.
President,	John S. Holden,	Bennington, Vt.
Vice-President,	Chas. W. Leonard,	Boston, Mass.
Managing Director } and Treasurer,	Geo. H. Bickford,	Hardwick, Vt.
General Manager,	J. V. Dutton,	Hardwick, Vt.
Auditor,	G. W. Cree,	St. Johnsbury, Vt.

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of term.
John S. Holden,	Bennington, Vt.	One year, or until successor is elected.
Chas. W. Leonard,	Boston, Mass.	"
Geo. H. Bickford,	Hardwick, Vt.	"
W. H. Fullerton,	Manchester Depot, Vt.	"
J. V. Dutton,	Hardwick, Vt.	"
Arthur J. Holden,	Bennington, Vt.	"
Geo. W. Cree,	St. Johnsbury, Vt.	"

Date of last meeting of stockholders for election of directors, August 9th, 1904.

Post office address of general office, Hardwick, Vt.

Post office address of operating office, Hardwick, Vt.

HISTORY.

The Hardwick & Woodbury railroad company was chartered in 1894, and was organized March 16, 1895. The road was constructed and commenced operation in 1896.

HOOSAC TUNNEL & WILMINGTON RAILROAD.

OFFICERS.

Title.	Name	Location of Office.
President,	J. P. Kellas,	Malone, N. Y.
Treasurer and Supt.,	Martin A. Brown,	Wilmington, Vt.
General Manager,	Moses Newton,	Wilmington, Vt.
Ass't Superintendent,	G. F. Roberts,	Wilmington, Vt.

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of term.
J. P. Kellas,	Malone, N. Y.	Not known.
Moses Newton,	Wilmington, Vt.	" "
Martin A. Brown,	Wilmington, Vt.	" "
J. S. Pishon,	Boston, Mass.	" "

Post office address of operating office, Wilmington, Vt.

HISTORY.

The Hoosac Tunnel & Wilmington railroad was chartered December 28th, 1886. The road was constructed from Hoosac Tunnel, Mass., to Readsboro, Vt., by the Deerfield Valley company for the convenience and purpose of transportation of freight from its wood pulp, paper and lumber mills at Readsboro.

The extension from Readsboro to Wilmington was built by the Deerfield Valley railroad company, and opened November 4th, 1892, under the name of the Hoosac Tunnel & Wilmington railroad company. It is a narrow gauge road.

MAINE CENTRAL RAILROAD COMPANY.

OFFICERS.

Title.	Name.	Location of Office.
President,	Lucius Tuttle,	Portland, Me.
Vice-Pres. and Gen. Mgr.,	George F. Evans,	Portland, Me.
Treasurer,	George W. York,	Portland, Me.
Paymaster,	Thomas P. Shaw,	Portland, Me.
Comptroller and Gen. Aud.,	George S. Hobbs,	Portland, Me.
Gen. Pass. and Tkt. Agt.,	Frederick E. Boothby,	Portland, Me.
Gen. Baggage Agent,	William K. Sanderson,	Portland, Me.
Gen. Superintendent,	Morris McDonald,	Portland, Me.
Supt. (Portland Div.),	Elton A. Hall,	Portland, Me.
Asst. Supt. "	F. E. Sanborn,	Portland, Me.
Supt. (East. Div.),	M. F. Dunn,	Bangor, Me.
Supt. (Mountain Div.),	George F. Black,	Portland, Me.
Car Accountant,	Watson B. Drew,	Portland, Me.
Chief Engineer,	Theo. L. Dunn,	Portland, Me.
Supt. Motive Power,	P. M. Hammett,	Portland, Me.
Purchasing Agent,	Chas. D. Barrow,	Portland, Me.
Claim Agent,	John S. Heald,	Portland, Me.

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of Term.
George F. Evans,	Portland, Me.	October 20, 1904.
William P. Frye,	Lewiston, Me.	" "
Samuel C. Lawrence,	Medford, Mass.	" "
Lewis Cass Ledyard,	New York, N. Y.	" "
Joseph H. Manley,	Augusta, Me.	" "
Henry R. Reed,	Boston, Mass.	" "
Joseph W. Symonds,	Portland, Me.	" "
Lucius Tuttle,	Boston, Mass.	" "
John Ware,	Waterville, Me.	" "
George P. Wescott,	Portland, Me.	" "
Franklin A. Wilson,	Bangor, Me.	" "
Henry M. Whitney,	Boston, Mass.	" "

Clerk, Henry B. Cleaves, Portland, Me.

Date of last meeting for election of directors : October 21, 1903.

Post office address of general office : Portland, Me.

HISTORY.

The Maine Central railroad company was organized under the laws of Maine. It operates the lines of the Upper Coos railroad and the Coos Valley railroad. The Upper Coos railroad was chartered in 1882 and its line opened in 1889. It was leased to the Upper Coos railroad company of New Hampshire, May 1, 1890, for 999 years. The Coos Valley railroad company was chartered in 1882 and its line opened in 1891. It was also leased to the Upper Coos railroad company of New Hampshire, on May 1, 1890, on the same date the latter road was leased to the Maine Central railroad company for 999 years.

MANCHESTER, DORSET & GRANVILLE RAILROAD CO.

OFFICERS.

Title.	Name.	Location of Office.
President,	O. W. Norcross,	Worcester, Mass.
Treasurer,	W. C. Tobin,	Worcester, Mass.
Secretary,	J. B. Warren,	Dorset, Vt.
General Manager,	P. W. Lincoln,	Manchester Depot, Vt.

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of Term.
O. W. Norcross,	Worcester, Mass.	January, 1905.
W. C. Tobin,	Worcester, Mass.	" "
J. B. Warren,	Dorset, Vt.	" "
P. W. Lincoln,	Manchester Depot, Vt.	" "
A. J. Park,	Worcester, Mass.	" "
E. H. West,	Dorset, Vt.	" "

HISTORY.

The Manchester, Dorset & Granville railroad was chartered June 21, 1902, and the company organized December 9, of the same year. The work of constructing the first six miles began in January, 1903, and the tracks were in condition to carry freight April 1st, 1903. The work of ballasting, bridge building and fencing continued for several months later. The passenger service was inaugurated September 23, 1903, and the regular schedule has been maintained since that time. The last meeting of the directors was held January 29, 1903.

MONTPELIER & WELLS RIVER RAILROAD.

OFFICERS.

Title.	Name.	Location of Office.
President,	Alvin F. Sortwell,	Cambridge, Mass.
First Vice President,	Geo. E. Carter,	Boston, Mass.,
Clerk and Treasurer,	F. W. Stanyan,	Montpelier, Vt.
Attorney or Gen. Counsel,	J. P. Lamson,	Montpelier, Vt.
Gen. Auditor,	F. S. Anable,	Boston, Mass.
Cashier,	A. W. Prescott,	Montpelier, Vt.
General Manager,	W. A. Stowell,	Montpelier, Vt.
Superintendent,	F. W. Stanyan,	Montpelier, Vt.
Gen. Frt. and Pass. Agt.,	F. W. Morse,	Montpelier, Vt.

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of Term.
A. F. Sortwell,	Cambridge, Mass.	August 25, 1904.
Geo. E. Carter,	Boston, Mass.	" "
Alexander Cochran,	Groton, Vt.	" "
J. W. Brock,	Montpelier, Vt.	" "
W. A. Stowell,	Montpelier, Vt.	" "

Date of last meeting of stockholders for election of directors:
August 27, 1903.

Post office address of general office: Montpelier, Vt.

HISTORY.

Chartered November 6, 1867, as the Montpelier & Wells River railroad company. Road opened November 24, 1873. The original capital stock was \$400,000. Subsequently the road was bonded for \$800,000 but the interest on the bonds being defaulted for several years, the bondholders foreclosed and took possession of the road and put the same into the hands of trustees March 1, 1876. The company was reorganized January 1, 1877, under the name of the Montpelier & Wells River railroad, the face of the bonds that were foreclosed being made the capital stock.

RUTLAND RAILROAD.

OFFICERS.

Title.	Name.	Location of Office.
President,	W. Seward Webb,	Shelburne, Vt.
Vice-President and General Manager,	George T. Jarvis,	Rutland, Vt.
Treasurer,	Clarence Morgan,	Burlington, Vt.
General Counsel,	H. H. Powers,	Rutland, Vt.
Auditor,	M. H. Chamberlin,	Rutland, Vt.
Superintendent,	S. S. Colton,	Rutland, Vt.
General Freight Agent,	George Cassidy,	Rutland, Vt.
General Passenger Agent,	C. A. Nimmo,	Rutland, Vt.
Supt. Motive Power and Rolling Stock,	F. C. Cleaver,	Rutland, Vt.
Chief Engineer,	Geo. L. Moore,	Rutland, Vt.
Purchasing Agent,	A. G. Adams,	Rutland, Vt.

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of Term.
W. Seward Webb,	Shelburne, Vt.	October, 1905.
Percival W. Clement,	Rutland, Vt.	" "
E. V. W. Rossiter,	New York City.	" "
Chauncey M. Depew,	New York City.	" "
J. A. Burden, Jr.,	New York City.	" "
Geo. H. Ball,	Boston, Mass.	" "
S. R. Callaway,	New York City.	" "
James Lawrence,	Groton, Mass.	" "
John W. Stewart,	Middlebury, Vt.	" "
H. H. Powers,	Morrisville, Vt.	" "
Olin Merrill.	Burlington, Vt.	" "
Fletcher Proctor,	Proctor, Vt.	" "
Geo. T. Jarvis,	Rutland, Vt.	" "

Date of last meeting for election of directors: October 30, 1903.

Post office address of general office: Rutland, Vt.

HISTORY.

Chartered as the Champlain & Connecticut railroad company, November 1st, 1843. Charter modified in 1847, and name changed to Rutland & Burlington railroad company. Opened for travel in 1849. It was taken possession of and operated by the trustees of mortgage bonds in November, 1853. In 1867 the road was reorganized under the name of the Rutland railroad company. In December, 1870, it was leased to the management of the Vermont Central railroad for twenty years from January 1st, 1871, at an agreed annual rental. It was operated by the Central Vermont railroad, under a new lease for 999 years from December 31st, 1890, until May 8th, 1896, when the Rutland railroad company resumed operation of the line.

Under the authority of Act No. 153, Laws of 1900, "An act to consolidate the Rutland railroad system," the following companies were consolidated under the name of the Rutland railroad company; Rutland railroad, Rutland Canadian railroad company, (charter November 4, 1898) Bennington & Rutland railroad company, (charter August 1, 1877) Ogdensburgh & Lake Champlain railroad company, (charter November 30, 1898) Chatham & Lebanon Valley railroad company, (charter September 21, 1899.)

ST. JOHNSBURY & LAKE CHAMPLAIN RAILROAD.

OFFICERS.

Title.	Name.	Location of Office.
President and Supt.,	H. E. Folsom,	Lyndonville, Vt.
Vice-President,	H. N. Turner,	St. Johnsbury, Vt.
Secretary, Treasurer, and Asst. Supt.,	Geo. W. Cree,	St. Johnsbury, Vt.
General Auditor,	Wm. J. Hobbs,	Boston, Mass.
Gen. Traffic Manager,	Wm. F. Berry,	Boston, Mass.
Gen. Freight Agent,	M. T. Donovan,	Boston, Mass.
Gen. Passenger Agent,	D. J. Flanders,	Boston, Mass.
Assistant Cashier,	Geo. F. Nowell,	Boston, Mass.
Paymaster,	C. H. Nowell,	Boston, Mass.

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of Term.
Carroll S. Page,	Hyde Park, Vt.	September 11, 1904.
Harry Blodgett,	St. Johnsbury, Vt.	" "
Charles H. Stevens,	St. Johnsbury, Vt.	" "
H. E. Folsom,	Lyndonville, Vt.	" "
Geo. W. Hendee,	Morrisville, Vt.	" "
Samuel C. Lawrence,	Medford, Mass.	" "
Henry R. Reed,	Boston, Mass.	" "
Lucius Tuttle,	Boston, Mass.	" "
H. N. Turner,	St. Johnsbury, Vt.	" "

Date of last meeting for election of directors: September 12, 1903.

Post office address of general office: Boston, Mass.

Post office address of operating office; St. Johnsbury, Vt.

HISTORY.

This railroad is a union of the lines of three separate companies originally, namely, the Essex County railroad company, chartered in 1864, amended 1866; Montpelier & St. Johnsbury railroad company, chartered in 1866; and the Lamoille Valley railroad company chartered in 1867. Consolidation was effected by the three companies jointly bonding their property, but failing to pay the interest on bonds, all the roads went into receiver's hands October 18, 1877, the year that it was opened for business.

The road was first operated as the Portland & Ogdensburg railroad, Vermont division. It was reorganized under the name of the St. Johnsbury & Lake Champlain railroad January 31, 1880, and commenced to be operated under this name July 1, 1880, and so continues to the present time.

The Victory branch was constructed to the lumber districts in Victory, Granby and East Haven in 1882-3. It was built by the St. Johnsbury & Lake Champlain railroad company, by which it has been and is now owned and operated.

VERMONT VALLEY RAILROAD.

OFFICERS.

Title.	Name.	Location of Office.
President,	James H. Williams,	Bellows Falls, Vt.
Clerk and Treasurer,	John H. Williams,	Bellows Falls, Vt.

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of Term.
Hugh Henry,	Concord, N. H.	October 5, 1904.
James H. Williams,	Bellows Falls, Vt.	" "
H. E. Folsom,	Lyndonville, Vt.	" "
John H. Albin,	Concord, N. H.	" "
Herbert B. Viall,	Keene, N. H.	" "
W. B. C. Stickney,	Bethel, Vt.	" "
John H. Williams,	Bellows Falls, Vt.	" "

Date of last meeting for election of directors: October 7, 1903.

Post office address of general office: Bellows Falls, Vt.

Post office address of operating office: In care of Boston & Maine railroad, Boston, Mass.

HISTORY.

Chartered November 8, 1848, as the Vermont Valley railroad. Reorganized under general laws of Vermont, July 3, 1871, as the Vermont Valley railroad company of 1871. Commenced operating in 1851. May 12, 1865, passed into the hands of trustees for ten years. In January, 1871, this lease was transferred to the Rutland railroad company, by which company it was operated until April 5, 1877. It then became a part of the Connecticut River system, by which it was operated until it passed into the hands of the Boston & Maine by-lease dated January 1, 1893.

It is now operated by the latter company. The Vermont Valley railroad company of 1871 receives the gross earnings less operating expenses, taxes and interest on bonds, with a minimum guarantee of a sufficient sum to pay 4% on the entire capital stock. In 1902 the corporate name was changed to the Vermont Valley railroad.

WHITE RIVER RAILROAD.

OFFICERS.

Title.	Name.	Location of Office.
President,	Samuel Williams,	No. 68 Essex St., Boston, Mass.
Vice President,	James A. Stiles,	Gardner, Mass.
Treasurer,	Edward Davis,	Bethel, Vt.,
Asst. Treasurer,	C. D. Parker,	No. 78 Devonshire St., Boston, Mass.

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of Term.
Samuel Williams,	Boston, Mass.	Not Known.
James A. Stiles,	Gardner, Mass.	" "
Edward Davis,	Bethel, Vt.	" "
C. D. Parker,	Boston, Mass.	" "
J. R. Tupper,	Rochester, Vt.	" "
E. L. Waterman,	Brattleboro, Vt.	" "
E. H. Edgerton,	Rochester, Vt.	" "

HISTORY.

Construction work begun in June, 1899, and was completed December 26th, 1899. The whole line was opened to the public between Bethel and Rochester, December 26th, 1899, has been maintained to the present time with the exception of a few weeks, when a spring freshet carried off one of the bridges.

WOODSTOCK RAILWAY.

OFFICERS.

Title.	Name.	Location of Office.
President,	John J. Dewey.	Quechee, Vt.
First Vice-President,	F. S. Mackenzie,	Woodstock, Vt.
Secretary,	J. G. Porter,	Woodstock, Vt.
Treasurer,	J. G. Porter,	Woodstock, Vt.
Auditor,	W. S. Dewey,	Quechee, Vt.
General Manager,	J. G. Porter,	Woodstock, Vt.
Traffic Manager,	J. G. Porter,	Woodstock, Vt.

DIRECTORS.

Name	Post Office Address.	Date of Expiration of Term.
John J. Dewey,	Quechee, Vt.	Elected annually.
F. S. Mackenzie,	Woodstock, Vt.	
Franklin S. Billings,	Woodstock, Vt.	Time expires when
Samuel E. Kilner,	New York, N. Y.	others are elected.
Wm E. Johnson,	Woodstock, Vt.	Annual meeting 2d
Frederick Billings,	Woodstock, Vt.	Wednesday in Sept.
Richard Billings,	Woodstock, Vt.	in each year.
J. G. Porter,	Woodstock, Vt.	

Date of last meeting of stockholders for election of directors:
Second Wednesday, September, 1904.

Post office address of general office: Woodstock, Vt.

HISTORY.

The Woodstock railroad company was chartered by the legislature of Vermont, October 30, 1863. Construction was begun April 21, 1868, and was finished so that the road was opened for travel September 29, 1875.

The company was reorganized July 1, 1890, under the name of the Woodstock railway company.

ELECTRIC RAILWAYS.

BARRE & MONTPELIER POWER & TRACTION CO.

OFFICERS.

Title.	Name.	Location of Office.
President,	John J. Flynn,	Burlington, Vt.
Vice-President,	Henry K. Bush,	Barre, Vt.
Secretary,	H. K. Bush,	Barre, Vt.
Treasurer,	A. O. Humphrey,	Burlington, Vt.

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of Term.
J. J. Flynn,	Burlington, Vt.	Second Wednesday
A. O. Humphrey,	Burlington, Vt.	in October, 1904.
H. K. Bush,	Barre, Vt.	" "
D. M. Miles,	Barre, Vt.	" "
T. J. Deavitt,	Montpelier, Vt.	" "
R. A. Hoar,	Barre, Vt.	" "
T. M. Price,	Middlesex, Vt.	" "

Date of last meeting for election of directors: Second Wednesday in October, 1903.

Post office address of general office: Barre, Vt.

Post office address of operating office: Barre, Vt.

HISTORY.

Charter: Laws 1892, No. 198. Laws 1896, No. 205. Company organized 1897. Road opened, June 29, 1898. Total mileage, 9 1-5 miles. Passenger service only.

BELLOWS FALLS & SAXTONS RIVER RAILROAD.

OFFICERS.

Title.	Name.	Location of Office.
President,	D. A. Blakeslee,	New Haven, Conn.
Vice-President,	J. H. Holton,	Bellows Falls, Vt.
Treasurer,	S. C. Morehouse,	New Haven, Conn.
Clerk,	George A. Weston,	Bellows Falls, Vt.

DIRECTORS

Name.	Post Office Address.	Date of Expiration of Term.
D. A. Blakeslee,	New Haven, Conn.	July 19, 1904.
D. W. Blakeslee,	New Haven, Conn.	" "
C. W. Blakeslee,	New Haven, Conn.	" "
S. C. Morehouse,	New Haven, Conn.	" "
J. H. Hoton,	Bellows Falls, Vt.	" "
E. L. Walker,	Bellows Falls, Vt.	" "
J. F. Alexander, Sr.	Saxton's River, Vt.	" "

Date of last meeting for election of directors: Jan. 1, 1904.

Post office address of general office: Bellows Falls, Vt.,

HISTORY.

Charter: Laws 1892, No. 135. Laws 1896, No. 206. Laws 1898, No. 168.

Road opened for operation, July 1900. Total mileage, 6½ miles. Passenger and freight carried.

BENNINGTON & HOOSICK VALLEY RAILWAY.

OFFICERS.

Title.	Name.	Location of Office.
President,	Geo. E. Greene,	Hoosick Falls, N. Y.
Vice-President,	Joseph Buckley,	Hoosick Falls, N. Y.
Treasurer,	Irving E. Gibson,	Bennington, Vt.
Secretary,	Elwin H. Libby,	Hoosick Falls, N. Y.

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of Term.
Geo. E. Greene,	Hoosick Falls, N. Y.	September 20, 1904.
Joseph Buckley,	Hoosick Falls, N. Y.	" "
Levi E. Worden,	Hoosick Falls, N. Y.	" "
Frank H. White,	Hoosick Falls, N. Y.	" "
Elwin H. Libby,	Hoosick Falls, N. Y.	" "
John B. V. Quackenbush,	Hoosick Falls, N. Y.	" "
Irving E. Gibson,	Bennington, Vt.	" "
E. E. Larrabee,	Bennington, Vt.	" "
F. S. Donnell,	Boston, Mass.	" "

Date of last meeting for election of directors: September 22, 1903.

Post office address of general office: Hoosick Falls, N. Y.

HISTORY.

Bennington electric railway company chartered Laws 1894, No. 239. Consolidated with Hoosick railway company, (charter in New York) by authority of No. 169, laws 1898. Whole line commenced to operate July 1, 1898. Total mileage, 16½ miles. Mileage in Vermont, about 8 miles. Chartered to carry both freight and passengers. Annual meeting third Tuesday in September each year.

BRATTLEBORO STREET RAILROAD COMPANY.

OFFICERS.

Title.	Name.	Location of Office.
President,	Chas. O. Robbins,	Brattleboro, Vt.
Vice-President,	F. L. Hunt,	Brattleboro, Vt.
Secretary,	F. L. Hunt,	Brattleboro, Vt.
Treasurer,	Dennison Cowles,	Brattleboro, Vt.
Superintendent,	C. K. Jones,	Brattleboro, Vt.

DIRECTORS.

Name.	Location of Office.
Chas. O. Robbins,	Brattleboro, Vt.
F. L. Hunt,	Brattleboro, Vt.
M. A. Coolidge,	Fitchburg, Mass.
C. K. Jones,	Brattleboro, Vt.
H. J. Clark,	West Brattleboro, Vt.

Date of last meeting for election of directors: August 10, 1903

Post office address of general office: Brattleboro, Vt.

HISTORY.

Charter: Laws 1888, No. 207. Laws 1896, No. 208. Laws 1900, No. 140. Company organized, January 21, 1893. Road opened for operation, August, 1895. Total mileage 4 1-3 miles. Passenger service only.

BURLINGTON TRACTION COMPANY.

OFFICERS.

Title.	Name.	Location of Office.
President,	Elias Lyman,	Burlington, Vt.
Vice-President,	J. J. Flynn,	Burlington, Vt.
Treasurer,	W. F. Hendee,	Burlington, Vt.
Secretary,	I. L. Platka,	Burlington, Vt.

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of term.
Elias Lyman,	Burlington, Vt.	July 13th, 1905.
J. J. Flynn,	Burlington, Vt.	" "
W. F. Hendee,	Burlington, Vt.	" "
A. E. Richardson,	Burlington, Vt.	" "
A. O. Humphrey,	Burlington, Vt.	" "
C. W. Brownell,	Burlington, Vt.	" "
L. H. Turk,	Burlington, Vt.	" "

Date of last meeting for election of directors July 13th, 1904.

Post office address of general office, Burlington, Vt.

HISTORY.

This road was chartered as the Winoski and Burlington Horse railroad company by number 226 of the laws of 1872, number 189 laws of 1886 and number 212 of the laws of 1888. The name was changed to the Burlington Traction company by

act number 222 laws of 1896. The company was organized in September 1885 and was equipped with electric power September 5th, 1893. Total mileage 10.77 miles. Passenger service only.

MILITARY POST STREET RAILWAY.

OFFICERS.

Title.	Name.	Location of Office.
President,	W. F. Hendee,	Burlington, Vt.
Vice-President,	A. O. Humphrey,	Burlington, Vt.
Secretary,	C. W. Brownell,	Burlington, Vt.
Treasurer,	John J. Flynn,	Burlington, Vt.

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of Term.
W. F. Hendee,	Burlington, Vt.	Second Wednesday in July, 1905.
John J. Flynn,	Burlington, Vt.	
A. O. Humphrey,	Burlington, Vt.	
Elias Lyman,	Burlington, Vt.	
A. E. Richardson,	Burlington, Vt.	
C. W. Brownell,	Burlington, Vt.	
L. H. Turk,	Burlington, Vt.	

Date of last meeting for election of directors: second Wednesday July, 1904.

Post office address of general office: Burlington, Vt.

HISTORY.

Charter: Laws 1892, No. 139. Laws 1896, No. 211. Company organized, December 7, 1893. Road opened, July 27, 1895. Passenger service only. Operated in connection with Burlington traction company. Total mileage, 4.64 miles.

MOUNT MANSFIELD ELECTRIC RAILWAY.

OFFICERS.

Title.	Name.	Location of Office.
President,	A. H. Soden,	Boston, Mass.
Vice-President,	P. D. Pike,	Stowe, Vt.
Clerk,	L. C. Moody,	Waterbury, Vt.
Treasurer,	W. B. Macutchan,	Stowe, Vt.
General Manager,	F. J. Shepard,	Derry, N. H.
Superintendent,	W. B. Macutchan,	Stowe, Vt.

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of Term.
A. H. Soden,	Boston, Mass.	May, 1905.
F. J. Shepard,	Derry, N. H.	" "
J. K. Bartlett,	Derry, N. H.	" "
M. J. Kendall,	Boston, Mass.	" "
G. E. Moody,	Waterbury, Vt.	" "
P. D. Pike,	Stowe, Vt.	" "
C. L. McMahon,	Stowe, Vt.	" "

Date of last meeting for election of directors: May, 1904.

Post office address of general office: Stowe, Vt.

HISTORY.

Charter: Laws 1894, No. 241. Company organized, January 21, 1895. Road commenced to operate, December 1, 1897. Total mileage, 10½ miles. Passengers and freight carried.

RUTLAND STREET RAILWAY.

OFFICERS.

Title.	Name.	Location of Office.
President,	Leo H. Wise,	New York, N. Y.
Vice-President,	John P. Munn,	New York, N. Y.
General Manager,	David Fox,	Rutland, Vt.
Secretary & Treasurer,	C. H. West,	Rutland, Vt.

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of Term.
Leo H. Wise,	New York, N. Y.	Annual Meeting July.
John P. Munn,	New York, N. Y.	" " "
C. H. West,	Rutland, Vt.	" " "
David Fox,	Rutland, Vt.	" " "
Michael E. Bannin,	New York, N. Y.	" " "

Date of last meeting for election of directors: July, 1904.

Post office address of general office: Rutland, Vt.

HISTORY.

Charter: Laws 1882, No. 181. Laws 1896, No. 218. Company organized, 1885. Road opened for operation, 1885. Total mileage, 23.3 miles. Passenger service only.

SPRINGFIELD ELECTRIC RAILWAY.

OFFICERS.

Title.	Name.	Location of Office.
President,	E. C. Crosby,	Springfield, Vt.
Vice-President,	M. A. Coolidge,	Springfield, Vt.
Treasurer,	M. A. Coolidge,	Springfield, Vt.
General Manager,	E. C. Crosby,	Springfield, Vt.
Superintendent,	A. J. Crosby,	Springfield, Vt.

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of Term.
E. C. Crosby,	Brattleboro, Vt.	June 14, 1905.
M. A. Coolidge,	Fitchburg, Mass.	" "
F. S. Coolidge,	Fitchburg, Mass.	" "
W. W. Brown,	Springfield, Vt.	" "
A. J. Crosby,	Springfield, Vt.	" "

Date of last meeting for election of directors: June 14, 1904.

Post office address of general office: Springfield, Vt.

HISTORY.

Charter: Laws 1894, No. 242. Laws 1896, No. 220. Company organized, 1896. Road opened, 1897. A freight and passenger road. Total mileage, 8 miles and 124 feet, including $2\frac{3}{4}$ miles in New Hampshire.

ST. ALBANS STREET RAILWAY.

OFFICERS.

Title.	Name.	Location of Office
President,	Jerome Marble,	Worcester, Mass.
Vice-President,	W. C. Mellish,	Worcester, Mass.
Treasurer,	C. A. Middlemas,	St. Albans, Vt.
Auditor and Clerk,	A. C. Dennett,	St. Albans Bay, Vt.
General Manager,	W. E. Bowen,	St. Albans, Vt.

DIRECTORS.

Name.	Post Office Address.	Date of Expiration of Term.
Jerome Marble,	Worcester, Mass.	September, 1904.
W. C. Mellish,	Worcester, Mass.	" "
A. C. Dennett,	St. Albans Bay, Vt.	" "
W. E. Bowen,	St. Albans, Vt.	" "
C. A. Middlemas,	St. Albans, Vt.	" "
J. J. Flynn,	Burlington, Vt.	" "
A. O. Humphrey,	Burlington, Vt.	" "
E. E. Carpenter,	Worcester, Mass.	" "
H. F. Leland,	Worcester, Mass.	" "

Date of last meeting for election directors: September, 1903.

Post office address of general office: St. Albans, Vt.

HISTORY.

Charter: Laws of 1892, No. 140; Laws of 1898, No. 178; laws of 1900, No. 156. Company organized, 1900. Road opened August, 1901. Passenger and freight service authorized by charter.

PART II.

STATISTICAL TABLES.

STATISTICAL TABLES.

STEAM RAILROADS.

TABLE I.

MILEAGE ON JUNE 30, 1904.

NAME OF COMPANY.		IN VERMONT.			MAIN LINE AND BRANCHES.		Total miles main and branch lines.		Total miles yard tracks and sidings.	
		FROM	TO	Miles.						
1	Atlantic & St. Lawrence.....	North Stratford, N. H.....	Norton Mills, Vt.....	30.56			30.56	30.56	9.78	
2	Barre.....	City of Barre.....	Quarries in Barre and Williamstown..	9.26			9.26	9.26	17.80	
3	Boston & Maine.....	White River Junction.....	Canadian Line in Derby.....	111.25			111.25	123.95	44.44	
4	Bristol.....	Mass. Line in Pownal.....	New York Line in Pownal.....	12.70			12.70			
5	Canada Atlantic.....	Bristol.....	New Haven Junction.....	6.59			6.59	6.59	.41	
		Canadian Line.....	Alburg Junction.....	3.10			3.10	3.10	.....	
		Windsor.....	Rouses Point.....	153.40			153.40			
		Swanton Junction.....	Canadian Line.....	11.00			11.00			
		Burlington.....	Essex Junction.....	8.00			8.00			
6	Central Vermont.....	Essex Junction.....	Cambridge Junction.....	20.00			20.00	232.30		109.30
		Montpelier Junction.....	Montpelier.....	1.40			1.40			
		St. Albans.....	Williamstown.....	13.50			13.50			
		Brattleboro.....	Richton.....	25.00			25.00			
		Brattleboro.....	South Vernon.....	10.00			10.00			
		Pittsford Quarries.....	South Londonderry.....	36.00			36.00			
7	Clarendon & Pittsford.....	Center Rutland.....	West Rutland.....	14.50			14.50			
		Rutland.....	Rutland.....	1.78			1.78	16.28		3.80
8	Delaware & Hudson.....	New York Line.....	Eagle Bridge, N. Y.....	23.82			23.82	36.65		14.82
9	Hardwick & Woodbury.....	Granite Junction.....	Castleton.....	6.83			6.83	9.50		3.00
10	Hoosac Tunnel & Wilmington.....	Summit.....	Woodbury Quarry.....	8.75			8.75			
11	Maine Central.....	Guthrie.....	Fletcher Quarry.....	.75			.75	16.78		.....
12	Manchester, Dorset & Granville.....	Canaan.....	Brunswick.....	16.78			16.78	13.85		3.80
13	Montpelier & Wells River.....	Manchester.....	Canadian Line.....	12.29			12.29	5.09		.50
14	Montreal & Atlantic.....	Montpelier.....	West Dorset.....	1.56			1.56	43.62		8.00
		Richford.....	Wells River.....	5.42			5.42	21.00		.....
		White Creek.....	Barre.....	38.20			38.20	21.00		
15	Rutland.....	Richford.....	Newport.....	21.00			21.00			
		New York Line.....	Canada Line.....	161.42			161.42			
		Bennington.....	Bennington.....	5.12			5.12	240.78		48.11
		Bellows Falls.....	North Bennington.....	4.67			4.67			
		Alburg.....	Rutland.....	52.21			52.21			
		Leicester Junction.....	Rouses Point.....	3.60			3.60			
16	St. Johnsbury & Lake Champlain.....	Lanzenburg.....	New York Line.....	13.76			13.76	131.50		21.64
17	Vermont Valley.....	North Concord.....	Maquam Bay.....	130.00			130.00	24.00		5.97
18	White River Valley.....	Brattleboro.....	East Haven.....	11.50			11.50	18.86		.....
19	Woodstock.....	Rochester.....	Bellows Falls.....	24.00			24.00	13.88		1.12
		Woodstock.....	Bethel.....	18.86			18.86	1,057.55		
			White River Junction.....	13.83			13.83			
				Total miles main line and branches.....						

TABLE II.

RAILROAD CAPITAL AT CLOSE

1	2	3	4
NAME OF COMPANY.	STOCKS.		FUNDED
	Amount outstanding.	Amount per mile of line.	Amount outstanding.
	Dollars.	Dollars	Dollars.
1 Atlantic and St. Lawrence.....	5,484,000	33,192	3,438,000
2 Barre	75,340	8,136	.....
3 Boston & Maine.....	26,787,870	43,270	29,597,441
4 Bristol.....	100,000	15,175	100,000
5 Central Vermont.....	3,000,000	12,180	11,000,000
6 Clarendon & Pittsford.....	120,000	8,276	.....
7 Delaware & Hudson..... ⁽¹⁾	34,507,100	.....	8,350,000
8 Hardwick & Woodbury.....	48,675	6,280	.....
9 Hoosac Tunnel & Wilmington.....	250,000	10,000	250,000
10 Maine Central.....	4,988,000	12,632	12,492,192
11 Montpelier & Wells River.....	800,000	20,942	.....
12 Montreal & Atlantic.....	3,300,000	22,972	1,085,000
13 Rutland.....	9,257,000	23,310	11,162,000
14 St. Johnsbury & Lake Champlain.....	3,848,506	29,266	2,500,000
15 Vermont Valley.....	1,000,000	41,667	800,000
16 Woodstock.....	250,000	18,011	.....

RAILROAD CAPITAL AT CLOSE

1 Atlantic and St. Lawrence.....	5,484,000	33,192	3,438,000
2 Barre	400,000	43,196	.....
3 Boston & Maine.....	26,987,870	43,563	30,499,355
4 Bristol.....	100,000	15,175	100,000
5 Central Vermont.....	3,000,000	12,180	11,000,000
6 Clarendon & Pittsford.....	200,000	13,796	.....
7 Delaware & Hudson..... ⁽¹⁾	34,407,100	.....	7,100,000
8 Hardwick & Woodbury.....	48,675	6,280	.....
9 Hoosac Tunnel & Wilmington.....	250,000	10,000	250,000
10 Maine Central.....	4,988,000	12,632	12,492,192
11 Manchester, Dorset & Granville.....	72,500	14,243	60,000
12 Montpelier & Wells River.....	800,000	20,942	.....
13 Montreal & Atlantic.....	3,300,000	22,972	1,085,000
14 Rutland.....	9,257,000	23,310	12,129,000
15 St. Johnsbury & Lake Champlain.....	3,848,506	29,266	2,500,000
16 Vermont Valley.....	1,000,000	41,667	800,000
17 White River.....	250,000	12,500	250,000
18 Woodstock.....	250,000	18,011	.....

(1) No part of capital is apportioned to railroads.

TABLE II.

OF YEAR ENDING JUNE 30, 1902.

5	6	7	8	9	10	11	
DEBT.					SUMMARY.		
Amount per mile of line.	DESIGNATION.				Total railroad capital.	Amount per mile of line.	
	Bonds.	Miscellan- eous obliga- tions.	Income bonds.	Equip- ment, trust obli- gation.			
Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	
20,809	3,438,000				8,922,000	54,001	1
					75,340	8,136	2
47,809	11,110,941	18,486,500			56,385,311	91,079	3
15,175	100,000				200,000	30,350	4
44,660	11,000,000				14,000,000	56,841	5
					120,000	8,276	6
	7,300,000			1,050,000	42,857,100		7
					48,675	6,280	8
10,000	250,000				500,000	20,000	9
31,644	11,442,192	1,050,000			17,480,192	44,279	10
					800,000	20,942	11
12,500	1,065,000				4,265,000	35,472	12
28,092	10,750,000			412,000	30,419,000	51,390	13
19,011	2,500,000				6,348,500	48,277	14
33,333	800,000				1,800,000	75,000	15
					250,000	18,011	16

OF YEAR ENDING JUNE 30, 1903.

20,809	3,438,000				8,922,000	54,001	1
					400,000	43,196	2
49,266	11,013,455	19,486,500			57,487,825	92,660	3
15,175					200,000	30,350	4
44,660	11,000,000				14,000,000	56,841	5
					200,000	18,798	6
	5,000,000	2,100,000		900,000	42,407,100		7
					48,675	6,280	8
10,000	250,000				500,000	20,000	9
31,636	11,442,192	1,050,000			17,480,192	44,268	10
11,787	60,000				132,500	26,031	11
					800,000	20,942	12
12,500	1,065,000				4,265,000	35,472	13
30,542	10,750,000			1,379,000	21,886,000	53,854	14
19,011	2,500,000				6,348,500	48,277	15
33,333	800,000				1,800,000	75,000	16
12,500	250,000				500,000	25,000	17
					250,000	18,011	18

TABLE III.

EARNINGS AND INCOME

	1	2	3	4	5	6	7	8
NAME OF COMPANY.	EARNINGS ARISING FROM PASSENGER SERVICE.							
	Passenger Revenue.	Revenue per passenger per mile. Cents	Mail.	Express.	Total passenger earnings including miscellaneous.	Passenger earnings per train mile. Dollars.	Prop. to total earnings. 100×Col. 6÷Col. 16.	Per Cent.
	Dollars.		Dollars.	Dollars.	Dollars.			
1 Atlantic & St. L.(G. T.) { ⁽¹⁾ (⁽²⁾	26,236	.02078	.....	.....	.....	.59936	.....	.....
2 Barre.....	266,403	.02145	24,388	31,614	322,401	.82304	26.6	.....
3 Boston & Maine.....	1,559	.03285	.....	.....	1,559	.96134	2.3	.....
4 Bristol.....	11,678,508	.01764	449,981	887,034	13,040,402	1.19383	40.9	.....
5 Central Vermont.....	5,500			(⁽²⁾ 1,655	7,245	.....	48.0	.....
6 Clarendon & Pittsford.....	633,805	.02211	57,929	38,861	742,597	1.01173	34.5	.....
7 Delaware & Hudson.....	50	.....	.....	.....	50	.....	00.0	.....
8 Hardwick & Woodbury.....	923,066	.02904	39,263	71,789	1,048,619	1.08910	37.8	.....
9 Hoosac T. & Wilmington.....	139	.01588	.....	.....	139	0.01381	0.9	.....
10 Maine Central.....	11,735	.03464	1,109	1,809	14,634	0.47555	18.3	.....
11 Manchester D. & G.....	2,166,154	.02065	187,645	100,346	2,505,062	1.26239	40.0	.....
12 Montpelier & Wells River.....	.....	.....	.....	.....	.....	.....	.....	.....
13 Montreal & At. (C.P.R.) { ⁽¹⁾ (⁽²⁾	47,749	.02171	3,647	2,800	56,188	.57879	34.7	.....
14 Rutland.....	27,311	.01755	1,256	1,087	29,654	.71247	.....	.....
15 St. Johnsbury & L. C.	146,282	.02383	.....	.....	160,247	.65381	31.8	.....
16 Vermont Valley.....	494,339	.02291	38,650	26,024	563,321	.65415	.....	.....
17 White River.....	762,093	.02357	.....	.....	872,703	.75595	40.4	.....
18 Woodstock.....	82,309	.02501	12,373	4,635	101,002	.59878	32.8	.....
	93,018	.02210	6,879	3,360	104,476	1.44367	38.7	.....
	15,410	.03786	954	1,016	17,372	.51703	42.7	.....

EARNINGS AND INCOME FOR

1 Atlantic & St. L.(G. T.) { ⁽¹⁾ (⁽²⁾	27,914	.02165	.....	.....	.....	.62005	.....	.....
2 Barre.....	277,653	.02182	24,381	37,794	339,839	.87207	23.5	.....
3 Boston & Maine.....	1,887	.03268	.....	.....	1,887	1.06723	2.2	.....
4 Bristol.....	12,116,114	.01774	454,446	927,748	13,647,588	1.22972	40.4	.....
5 Central Vermont.....	5,226			(⁽²⁾ 1,689	6,896	.....	44.4	.....
6 Clarendon & Pittsford.....	637,997	.02211	59,424	41,387	751,119	1.09835	32.0	.....
7 Delaware & Hudson.....	10	.....	.....	.....	10	.....	00.0	.....
8 Hardwick & Woodbury.....	1,066,724	.02285	44,045	82,070	1,209,045	1.09287	32.3	.....
9 Hoosac T. & Wilmington.....	162	.01476	.....	.....	162	0.02596	1.0	.....
10 Maine Central.....	13,433	.03510	1,108	1,897	16,369	0.43439	20.2	.....
11 Manchester D. & G.....	2,300,392	.02055	187,122	110,183	2,651,904	1.28487	40.0	.....
12 Montpelier & Wells River.....	.....	.....	.....	.....	.....	.....	.....	.....
13 Montreal & At. (C.P.R.) { ⁽¹⁾ (⁽²⁾	55,896	.02554	3,647	2,800	62,347	.63451	35.8	.....
14 Rutland.....	31,327	.02041	1,256	1,329	33,912	.81477	.....	.....
15 St. Johnsbury & L. C.	164,015	.02568	.....	.....	179,292	.70784	32.1	.....
16 Vermont Valley.....	511,147	.02247	36,148	28,926	582,324	.78322	.....	.....
17 White River.....	850,381	.02244	.....	.....	969,828	.79000	43.6	.....
18 Woodstock.....	85,954	.02618	12,358	4,891	104,952	.62461	29.4	.....
	103,107	.02277	6,879	3,360	114,589	1.48006	37.4	.....
	16,138	.03764	945	1,000	18,083	.53502	46.9	.....

(⁽¹⁾ Line in Vermont.(⁽²⁾ Entire line.(⁽³⁾ Mail and Express.(⁽⁴⁾ No data.

TABLE III.

FOR THE YEAR ENDING JUNE 30TH, 1902.

9	10	11	12	13	14	15	16	17	
EARNINGS ARISING FROM FREIGHT SERVICE.					OTHER EARNINGS.		SUMMARY OF EARNINGS.		
Freight Revenue.	Revenue per ton per mile.	Total freight earnings, including stock yards, elevators and miscellaneous.	Freight earnings per train mile.	Proportion to total earnings, 100×Col. 16÷Col. 15. Per cent.	Balance of car mileage, switching, etc.	Telegraph and other sources.	Total earnings from operation. Cols. 6+11+14+15.	Total earnings per train mile.	
Dollars.	Dollars	Dollars.	Doll'rs		Doll'rs	Dollars.	Dollars.	Dollars.	
143,525	.00425	143,525	1.46134	73.4	972	579	206,774	1.13563	1
883,321	.00639	883,321	1.84123	73.4	158	4,119	1,209,931	1.38022	2
61,753	.00900	61,753	6.84607	97.7	128,367	68,101	67,991	5.58467	3
18,124 636	.01119	18,603,720	2.31247	58.4		1,342	31,840,694	1.69704	4
6,458	.....	6 458	.....	52.0		26,346	15,046	.....	5
1,390,788	.00752	1,390,788	1.24432	61.3			2,159,732	1.22838	6
47,455	.0325	47,455	.....	100.			47,505	.....	7
1,637,625	.01071	1,637,625	2.83691	59.1		84 012	2,770,259	1.68850	8
14,122	.04274	14,122	1.39604	92.5		1,036	15,236	1.51227	9
49,360	.06297	49,360	2.99900	77.0	9		64,023	1.43089	10
3,678,359	.01113	3,689,241	2.52512	57.1		83,713	6,278,018	1.86875	11
.....	.....	.....	.....	.....			.....	.....	12
103,707	.02454	103,707	2.22128	65.3			181,546	1.34646	13
61,459	.00540	61 459	1.47960	.....		2,929	94,036	1.15079	14
329,189	.00811	329,189	1.04132	65.4			503,480	1.12958	15
792,751	.00793	792,751	1.53622	.....			1,356,672	1.18760	16
1,229,780	.00790	1,229,760	1.51309	56.9			2,161,032	1.21397	17
207,473	.01198	210,202	.95803	66.7	1,018	2,549	314,772	.88005	18
161,443	.00874	162,129	1.63803	60.1	2,584	600	289,790	1.58557	19
.....	.....	.....	.....	.....			.....	.....	20
23,257	.00301	23,257	.69217	57.2			40,629	1.20920	21

THE YEAR ENDING JUNE 30, 1903.

176,820	.00391	176,820	1.45059	.....	.....	.....	216,875	1.17010	1
1,096,113	.00509	1,096,113	1.71575	76.5	.....	.....	1,440,000	.....	2
76,126	.09200	76,126	6.88067	97.8	1,235	4,085	83,333	6.28056	3
19,524,177	.01181	19,823 521	2.58074	59.0	141,935	115,926	33,738,994	1.75233	4
8,553	.....	8 553	.....	55.5		64	15,514	.....	5
1,560,624	.00824	1,550,624	1.43929	66.4		38,825	2,350,589	1.37003	6
53,652	.....	53 652	.....	100.			53,682	.....	7
1,993,934	.01126	1,993,934	3.16234	60.4		95,835	3,299,118	1.95611	8
15,796	.05487	15,796	2.83760	95.6		394	16,524	2.93261	9
49,867	.06281	49 867	3 32862	75.2	44		66,281	1.46653	10
3,871,614	.01135	3,911,808	2 68576	58.5		113,396	6,677,109	1.97087	11
.....	.....	.....	.....	.....			.....	.....	12
110,757	.02671	110,757	2.07194	64.2		552	173,656	1.35746	13
69,694	.00334	69 694	1.35074	.....		3,116	106,723	1.14487	14
364,891	.00792	364 891	1.02186	65.4			557,668	1.14446	15
823,263	.00896	823 263	1 58381	.....			1,405,787	1.20470	16
1 370,589	.00874	1,370,589	1.61563	55.8			2,454,620	1.26347	17
246,022	.01442	248 694	1.17205	69.4	723	2,600	356,974	1.00056	18
187,113	.01058	187,798	1.54903	61.4	2,801	632	395,821	1.54460	19
.....	.....	.....	.....	.....			.....	.....	20
20,499	.10003	20,499	.60648	53.1			38,582	1.14149	21

OPERATING EXPENDITURES FOR YEAR ENDING JUNE 30, 1903.

1 Atlantic & St. Lawrence (G. T.).....	(1)	1,280,318	.....	105.57	393,010	230,379	885,253	31,176	1
2 Barre.....	(1)	47,705	3,430.01	57.34	23,345	6,213	14,309	3,177	2
3 Boston & Maine.....	(1)	24,238,204	1,258.88	71.84	3,667,956	3,177,305	16,586,289	806,615	3
4 Bristol.....	(1)	.....	.....	.....	.....	.....	.....	.....	4
5 Central Vermont.....	(1)	1,690,451	.98928	71.92	306,948	253,124	1,071,598	58,840	5
6 Clarendon & Pittsford.....	(1)	44,535	.....	83.01	17,645	3,065	28,025	200	6
7 Delaware & Hudson.....	(1)	2,381,863	1,419.25	72.19	623,038	855,989	1,325,766	76,119	7
8 Hardwick & Woodbury.....	(1)	13,804	2,479.53	91.74	5,006	688	7,644	464	8
9 Hoosac Tunnel & Wilmington.....	(1)	47,017	1,040.29	70.94	14,246	7,987	21,392	3,509	9
10 Maine Central.....	(1)	4,282,933	1,441.09	73.12	1,153,466	1,156,087	2,407,847	164,384	10
11 Manchester, Dorset & Granville.....	(1)	.....	.....	.....	.....	.....	.....	.....	11
12 Montpelier & Wells River.....	(1)	157,264	1,229.64	90.58	60,901	15,049	47,350	14,003	12
13 Montreal & Atlantic (C. P. R.).....	(1)	548,583	1,126.90	98.44	178,433	60,879	283,857	25,762	13
14 Rutland.....	(1)	1,736,863	.89401	70.75	297,015	234,916	1,100,403	104,436	14
15 St. Johnsbury & Lake Champlain.....	(1)	292,014	.81848	81.89	102,049	6,780	172,092	11,172	15
16 Vermont Valley.....	(1)	247,961	1,252.37	81.08	(*) 122,505	11,145	169,005	4,315	16
17 White River.....	(1)	.....	.....	.....	.....	.....	.....	.....	17
18 Woodstock.....	(1)	25,707	.762305	66.78	9,894	1,141	12,603	2,188	18

(1) Entire Line.

(2) Vermont.

(3) No Data.

(4) Includes \$82,735 for double tracking.

(5) Not in operation.

(6) Saratoga Division.

TABLE V.

INCOME ACCOUNT FOR YEAR ENDING JUNE 30, 1902.

NAME OF COMPANY.	1	2	3	4	INCOME FROM PROPERTY OWNED.						9	10			
					Gross earnings from operation. Dollars.	Operating expenses. Dollars.	Income from operation. Col. 2 - Col. 3 Dollars.	SOURCE OF INCOME.					Total income from property described, 5+6+7+8. Dollars.	Total Income. Cols. 4+9. Dollars.	
								Lease of road. Dollars.	Divi- dends on Stocks. Dollars.	Income on Bonds. Dollars.					Miscellaneous income. (net). Dollars.
1 Atlantic & St. Lawrence (G. T.).....		1,209,931	1,122,438	87,493	.....	.....	.....	.....	.....	.....	87,493				
2 Barre.....		67,591	33,423	34,167	.....	.....	.....	.....	.....	.....	34,167				
3 Boston & Maine.....		31,840,024	22,437,983	9,402,710	.....	200,039	618	888,343	589,901	.....	9,392,611				
4 Bristol.....		15,046	10,052	4,403	.....	.....	.....	.....	.....	.....	4,403				
5 Central Vermont.....		2,150,732	1,534,807	624,925	.....	.....	10,869	*111,370	*100,816	.....	624,114				
6 Clarendon & Pittsford.....		47,565	34,840	12,704	.....	.....	.....	.....	.....	.....	12,704				
7 Delaware & Hudson.....		2,770,259	1,993,477	806,782	.....	.....	.....	9,545	9,545	.....	876,327				
8 Hardwick & Woodbury.....		15,298	12,976	2,321	.....	.....	.....	.....	.....	.....	2,321				
9 Hoosac Tunnel & Wilmington.....		64,623	51,346	12,677	.....	.....	.....	715	715	.....	13,392				
10 Maine Central.....		6,278,018	4,532,200	1,725,738	.....	6,432	35	63,613	70,142	.....	1,795,900				
11 Manchester, Dorset & Granville.....		161,546	129,901	31,045	.....	.....	.....	.....	.....	.....	31,045				
12 Montpelier & Wells River.....		503,480	489,039	13,811	.....	.....	.....	10,726	10,726	.....	42,371				
13 Montreal & Atlantic (C. P. R.).....		2,161,032	1,397,942	763,090	.....	78,614	58,309	23,611	159,925	.....	13,811				
14 Rutland.....		314,772	275,400	39,371	.....	.....	.....	1,137	1,137	.....	923,915				
15 St. Johnsbury & Lake Champlain.....		292,790	212,610	57,179	.....	40,000	.....	9,449	49,449	.....	40,909				
16 Vermont Valley.....											106,629				
17 White River.....															
18 Woodstock.....		40,029	24,149	16,480	.....	.....	.....	300	300	.....	16,780				

TABLE V.
INCOME ACCOUNT FOR YEAR ENDING JUNE 30, 1902.—(Continued.)

11	12	* 13	14	15	16	17	18	19	20	
NAME OF COMPANY.	EXPENSES ASSIGNABLE TO FIXED CHARGES.								Net income Cols. 10-18 Dollars.	Net deficit. Cols. 18-20, Dollars.
	DESIGNATION.									
	Interest on funded debt accrued.	Interest on interest bearing cur- rent liabil- ties accrued	Rents paid for lease of road.	Taxes.	Perma- nent im- prove- ments charged to in- come account	Other deduc- tions.	Total fixed charges. Cols. 12+13+ 14+15+16+17			
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	
1 Atlantic & St. Lawrence (G. T.).....(C)	206,280	.....	18,001	53,994	.....	.....	278,275	.....	190,782	
2 Barre.....	.....	9,350	.....	1,508	.....	.....	11,518	22,649	2	
3 Boston & Maine.....(C)	1,390,884	(?) 36,112	5,058,080	1,629,513	.....	(?) 151,285	8,205,885	1,786,726	3	
4 Bristol.....	.....	.....	.....	.....	.....	.....	.....	.....	4	
5 Central Vermont.....(C)	440,000	.....	25,916	55,629	.....	.....	521,015	3,008	5	
6 Charendon & Pittsford.....	.....	770	.....	1,004	.....	.....	1,748	10,500	6	
7 Delaware & Hudson.....(C)	.....	.....	1,034,705	125,223	.....	.....	1,159,929	283,001	7	
8 Hardwick & Woodbury.....	.....	900	.....	313	.....	.....	1,273	1,048	8	
9 Hoosac Tunnel & Wilmington.....	12,500	.....	.....	607	.....	.....	13,157	214	9	
10 Maine Central.....	643,110	.....	545,875	216,878	.....	(?) 26,440	1,435,303	390,567	10	
11 Manchester, Dorset & Granville.....(C)	.....	.....	4,800	4,396	6,906	.....	16,092	26,279	11	
12 Montpelier & Wells River.....	.....	.....	33,120	0,510	.....	.....	30,630	.....	12	
13 Montreal & Atlantic (C. P. R.).....	.....	49,011	19,000	67,548	.....	(?) 33,000	650,601	263,414	13	
14 Rutland.....	491,041	.....	.....	7,945	.....	.....	85,342	.....	14	
15 St. Johnsbury & Lake Champlain.....	65,400	10,395	.....	6,569	.....	.....	46,569	60,000	15	
16 Vermont Valley.....	40,000	.....	.....	.....	.....	.....	.....	.....	16	
17 White River.....(C)	.....	.....	.....	.....	.....	.....	.....	.....	17	
18 Woodstock.....	.....	.....	.....	1,051	.....	.....	1,051	15,728	18	

INCOME ACCOUNT FOR YEAR ENDING JUNE 30, 1903.—(Continued).

1 Atlantic & St. Lawrence (G. T.)..... ⁽¹⁾	206,290	.....	18,000	40,030	.....	273,310	.....	353,028	1
2 Barre..... ⁽¹⁾		8,379	.....	1,637	.....	10,441	.....	25,146	2
3 Boston & Maine..... ⁽¹⁾	1,332,110	49,220	5,032,700	1,619,118	(²) 151,285	8,234,496	1,703,008	.....	3
4 Bristol..... ⁽¹⁾									4
5 Central Vermont..... ⁽¹⁾	440,000	.....	25,916	52,031	.....	518,517	3,563	.....	5
6 Claremont & Pittsford..... ⁽¹⁾		620	.....	1,370	.....	1,991	7,135	.....	6
7 Delaware & Hudson..... ⁽¹⁾			1,075,976	126,021	.....	1,201,998	.....	.....	7
8 Haverhill & Woodbury..... ⁽¹⁾		915	.....	432	.....	1,347	1,173	.....	8
9 Hoosac Tunnel & Wilmington..... ⁽¹⁾	12,300	412	.....	501	.....	13,474	5,789	.....	9
10 Maine Central..... ⁽¹⁾	643,110	.....	545,875	226,333	(²) 29,440	1,445,015	407,292	.....	10
11 Manchester, Dorset & Granville..... ⁽¹⁾							2,608	.....	11
12 Montpelier & Wells River..... ⁽¹⁾			4,800	4,354	.....	15,238	11,989	.....	12
13 Montreal & Atlantic (C. P. R.)..... ⁽¹⁾			33,120	3,174	.....	36,294	.....	.....	13
14 Rutland..... ⁽¹⁾		1,329	19,000	71,845	(²) 100,000	726,542	97,707	.....	14
15 St. Johnsbury & Lake Champlain..... ⁽¹⁾	534,458	.....	.....	8,349	.....	86,618	.....	.....	15
16 Vermont Valley..... ⁽¹⁾	66,400	11,968	.....	7,008	.....	47,008	60,632	.....	16
17 White River..... ⁽¹⁾	40,000	.....	.....	.....	.....	.....	.....	.....	17
18 Woodstock..... ⁽¹⁾				1,002	.....	1,002	13,112	.....	18

⁽¹⁾ Whole line.

⁽²⁾ Includes \$23,732 interest on real estate mortgages.

⁽³⁾ Staking fund payments.

⁽⁴⁾ No report.

⁽⁵⁾ Saratoga Division.

⁽⁶⁾ 2½ months.

⁽⁷⁾ Equipment bonds retired.

⁽⁸⁾ Road opened 1903.

TABLE V.

INCOME ACCOUNT FOR YEAR

21	22	23	24	25	26	27
NAME OF COMPANY.	PAYMENTS FROM NET INCOME.					Surplus from opera- tions of year ending June 30, 1902.
	DIVIDENDS DECLARED.				Total payments from net income including miscel- laneous.	
	COMMON STOCK.		PREFERRED STOCK.			
	Amount.	Rate per cent.	Amount.	Rate per cent.		
	Dollars.		Dollars.			
1 Atlantic & St. Lawrence (G. T.).. (1)	329,040	6			329,040	
2 Barre						22,649
3 Boston & Maine	1,575,371	7	188,988	6	1,764,359	22,367
4 Bristol						493
5 Central Vermont						3,098
6 Clarendon & Pittsford						10,930
7 Delaware & Hndson						(2)
8 Hardwick & Woodbury						1,048
9 Hoosac Tunnel & Wilmington	5,000	2			5,000	
10 Maine Central	298,566	6			298,566	63,031
11 Manchester, Dorset & Granville (2)						
12 Montpelier & Wells River						26,279
13 Montreal & Atlantic (C. P. R.)						
14 Rutland			261,728	3	261,728	1,686
15 St. Johnsbury & Lake Champlain ..						
16 Vermont Valley	60,000	6			60,000	60
17 White River						(2)
18 Woodstock	7,497	3			7,497	8,231

⁽¹⁾ The Lessee receives all income and pays all expenses.⁽²⁾ No data.⁽³⁾ Deficit charged to D. & H. Co.

TABLE V.

INCOME ACCOUNT FOR YEAR

	35	36	37	38	39	40	41
NAME OF COMPANY.	PAYMENTS FROM NET INCOME.						Surplus from operations of year ending June 30, 1908.
	DIVIDENDS DECLARED.				Total payments from net income including miscel- laneous.		
	COMMON STOCK.		PREFERRED STOCK.				
	Amount. <i>Dollars.</i>	Rate per cent.	Amount. <i>Dollars.</i>	Rate per cent.		<i>Dollars.</i>		Dollars.
1 Atlantic & St. Lawrence (G. T.).. (1)	329,040	6	.....	.....	329,040	.....	.....
2 Barre .....	.....	.....	.....	.....	.....	.....	25,186
3 Boston & Maine.....	1,582,734	7	188,988	6	1,771,722	.....	22,186
4 Bristol.....	.....	.....	.....	.....	.....	.....	.....
5 Central Vermont .....	.....	.....	.....	.....	.....	.....	3,562
6 Clarendon & Pittsford .....	.....	.....	.....	.....	.....	.....	7,135
7 Delaware & Hudson..... (2)	.....	.....	.....	.....	.....	.....	.....
8 Hardwick & Woodbury.....	.....	.....	.....	.....	.....	.....	1,172
9 Hoosac Tunnel & Wilmington.....	5,000	2	.....	.....	5,000	.....	789
10 Maine Central.....	298,575	6	.....	.....	298,575	.....	108,628
11 Manchester, Dorset & Granville (2)	.....	.....	.....	.....	.....	.....	.....
12 Montpelier & Wells River	40,000	5	.....	.....	40,000	.....	.....
13 Montreal & Atlantic (C. P. R.) .....	.....	.....	.....	.....	.....	.....	.....
14 Rutland.....	.....	.....	90,576	1	90,576	.....	7,131
15 St. Johnsbury & Lake Champlain..	.....	.....	.....	.....	.....	.....	.....
16 Vermont Valley.....	60,000	6	.....	.....	60,000	.....	.....
17 White River. (3)	.....	.....	.....	.....	.....	.....	.....
18 Woodstock.....	9,996	4	.....	.....	9,996	.....	2,116

(1) The Lessee receives all income and pays all expenses.

(2) No data.

(3) Deficit charged to D. & H. Co.

TABLE V.

ENDING JUNE 30, 1903.—(Concluded.)

42	43	44	45	46	47	48	
Deficit from operations of year ending June 30, 1903.	Surplus on June 30, 1902.	Deficit on June 30, 1902.	Addi- tions for year.	Deductions for year.	Surplus on June 30, 1903.	Deficit on June 30, 1903.	
<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>	
682,668	128,996		25,186		154,183	(²)	1
	1,565,165				1,565,165		2
1,396	6,268			1,396	4,870		3
	5,902		3,502		9,465		4
	54,483		7,135		61,618		5
284,744						(³)	6
		190	1,172		973		7
	7,251		789		8,040		8
	282,537		3,555	108,627	286,063		9
							10
38,013	220,873			29,605	200,267		11
27,608		23,452		27,608		51,060	12
	756,102			31,079	725,022		13
19,865		1,428,131		19,865		1,447,997	14
32		96,544	32		96,577		15
							16
	43,679		2,116		45,795		17
							18

TABLE VI.

GENERAL BALANCE SHEET FOR

1	2	3	4	5	6
NAME OF COMPANY.	ASSETS.				
	Cost of road.	Cost of equip- ment.	Stocks owned.	Bonds owned.	Cash and current assets.
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
1 Atlantic & St. Lawrence (G. T.)... ⁽¹⁾	8,922,000	.....	.....	.....	.....
2 Barre..... ⁽²⁾	270,479	84,212	.....	.....	21,187
3 Boston & Maine..... ⁽³⁾	42,188,983	5,212,347	9,719,571	861,083	7,592,636
4 Bristol.....	200,000	.....	.....	.....	7,805
5 Central Vermont..... ⁽⁴⁾	13,823,274		 ⁽⁷⁾	1,267,779	510,435
6 Clarendon & Pittsford.....	189,067	61,326	.....	.....	369
7 Delaware & Hudson..... ⁽⁵⁾					
8 Hardwick & Woodbury.....	52,851	11,839	.....	.....	1,012
9 Hoosac Tunnel & Wilmington.....	431,066	64,488	.....	.....	43,705
10 Maine Central..... ⁽⁶⁾	14,562,748	2,617,687	133,972	154,500	1,508,989
11 Manchester, Dorset & Granville..... ⁽⁶⁾					
12 Montpelier & Wells River..... ⁽⁴⁾ ⁽⁵⁾	800,000	.....	.....	.....	219,965
13 Montreal & Atlantic (C. P. R.)..... ⁽⁵⁾	4,005,210	.....	.....	1,065,000	.....
14 Rutland..... ⁽⁵⁾	17,236,746	1,422,802	.....	974,907	1,969,325
15 St. Johnsbury & Lake Champlain....	4,630,199	161,567	242,750	.....	61,956
16 Vermont Valley.....	983,372	96,969	800,000	.....	52,349
17 White River..... ⁽⁶⁾					
18 Woodstock.....	250,000	19,110	.....	.....	20,993

GENERAL BALANCE SHEET FOR

1 Atlantic & St. Lawrence (G. T.)... ⁽¹⁾	8,922,000	.....	.....	.....	.....
2 Barre..... ⁽²⁾	363,299	95,621	.....	.....	69,290
3 Boston & Maine..... ⁽³⁾	40,620,640	6,777,621	9,720,571	1,038,083	8,092,635
4 Bristol.....	200,000	.....	.....	.....	10,577
5 Central Vermont..... ⁽⁴⁾	13,823,274		 ⁽⁷⁾	1,267,779	564,462
6 Clarendon & Pittsford.....	198,682	71,423	.....	.....	13,635
7 Delaware & Hudson..... ⁽⁵⁾					
8 Hardwick & Woodbury.....	53,351	11,489	.....	.....	1,990
9 Hoosac Tunnel & Wilmington.....	432,511	72,376	.....	.....	34,216
10 Maine Central..... ⁽⁶⁾	14,562,748	2,617,687	133,972	154,500	1,895,894
11 Manchester, Dorset & Granville..... ⁽⁶⁾	121,519	4,700	.....	.....	.....
12 Montpelier & Wells River..... ⁽⁴⁾ ⁽⁵⁾	800,000	.....	.....	.....	215,606
13 Montreal & Atlantic (C. P. R.)..... ⁽⁵⁾	4,776,869	.....	.....	1,065,000	.....
14 Rutland..... ⁽⁵⁾	17,977,565	2,324,875	299,975	758,684	1,133,416
15 St. Johnsbury & Lake Champlain....	4,630,199	151,567	242,750	.....	64,176
16 Vermont Valley.....	983,372	96,969	800,000	.....	60,350
17 White River..... ⁽⁶⁾					
18 Woodstock.....	250,000	23,610	.....	.....	19,450

⁽¹⁾ Equipment furnished by lessees. No current balances.⁽²⁾ Year ends April 30⁽³⁾ Column 3 includes miscellaneous items.⁽⁴⁾ Includes cost of equipment.⁽⁵⁾ Column 14 includes miscellaneous items.⁽⁶⁾ No sufficient data.⁽⁷⁾ Includes \$1,000,000 bonds in hands of trustee.

TABLE VI.

YEAR ENDING JUNE 30, 1902.

7	8	9	10	11	12	13	14	15	
			Total assets (or liabilities) including miscellaneous. Cols. 2+3+4+5+6+7+8+9. Or cols. 11+12+13+14+15+ miscellaneous. Dollars.	LIABILITIES.					
Material and supplies	Lands owned, sinking fund and sundry items.	Profit and loss.		Capital stock.	Funded debt.	Current liabilities.	Accrued interest on funded debt not yet payable and sundry items.	Profit and loss.	
Dollars	Dollars.	Dollars.		Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	
.....	.....	.....	8,922,000	5,484,000	3,438,000	.....	.....	.....	1
7,567	16,775	.....	390,721	75,340	.....	195,384	.....	128,996	2
2,694,770	3,430,413	.....	71,679,897	28,879,088	29,597,441	7,324,643	4,313,466	1,565,165	3
.....	.....	.....	2,078,015	100,000	100,000	4,097	.....	3,708	4
145,383	2,563	.....	15,803,029	3,000,000	12,000,000	670,222	73,333	5,902	5
.....	.....	.....	250,764	120,000	.....	76,281	.....	54,483	6
.....	.....	.....	.....	.....	.....	.....	.....	.....	7
415	.....	1,048	66,685	48,675	.....	17,142	.....	.....	8
1,184	.....	.....	540,443	250,000	250,000	29,025	4,166	7,251	9
508,854	683,701	.....	20,290,454	4,988,000	12,492,192	617,845	1,879,874	282,537	10
.....	.....	.....	.....	.....	.....	.....	.....	.....	11
30,065	1,362	.....	1,031,414	800,000	.....	18,459	3,081	229,872	12
.....	.....	23,452	5,063,662	3,200,000	1,065,000	.....	838,661	.....	13
283,539	.....	.....	21,907,320	9,257,000	11,162,000	696,441	35,777	756,101	14
54,322	111,223	1,428,135	6,700,152	3,848,500	2,500,000	325,619	26,093	.....	15
.....	.....	.....	1,934,680	1,000,000	800,000	38,135	.....	96,544	16
.....	.....	.....	.....	.....	.....	.....	.....	.....	17
3,576	.....	.....	293,680	250,000	.....	.....	.....	43,680	18

YEAR ENDING JUNE 30, 1903.

.....	.....	.....	8,922,000	5,484,000	3,438,000	.....	.....	.....	1
11,027	16,275	.....	555,622	400,000	.....	1,439	.....	154,183	2
3,461,322	3,050,041	.....	74,760,588	29,260,088	30,490,355	9,508,950	3,926,424	1,565,165	3
.....	.....	.....	210,577	100,000	100,000	3,375	2,000	5,202	4
146,732	2,820	.....	15,803,029	3,000,000	12,000,000	722,231	73,333	9,465	5
.....	.....	.....	283,741	200,000	.....	22,123	.....	61,618	6
.....	.....	.....	.....	.....	.....	.....	.....	.....	7
591	.....	.....	67,621	48,675	.....	17,973	.....	972	8
2,880	.....	.....	541,985	250,000	250,000	29,777	4,166	8,040	9
788,512	743,034	.....	20,806,351	4,988,000	12,492,192	612,492	2,517,607	286,096	10
.....	.....	.....	.....	.....	60,000	.....	.....	.....	11
35,638	1,209	.....	1,031,434	800,000	.....	48,730	3,455	200,267	12
.....	51,060	.....	5,192,360	3,200,000	1,065,000	.....	927,980	.....	13
357,096	.....	.....	23,051,554	9,257,000	12,129,000	841,923	28,606	725,022	14
66,604	111,223	1,447,997	6,734,320	3,848,500	2,500,000	339,887	26,133	.....	15
.....	.....	.....	1,942,681	1,000,000	800,000	46,104	.....	96,577	16
.....	.....	.....	.....	.....	.....	.....	.....	.....	17
2,735	.....	.....	295,795	250,000	.....	.....	.....	45,795	18

TABLE VII.

COST OF ROAD, EQUIPMENT AND IMPROVEMENTS JUNE 30, 1903.

1	2	3	4	5	6	7	8
NAME OF COMPANY.	TOTAL COST TO JUNE 30, 1903			Total cost of construction and equipment.	EXPENDITURES DURING YEAR JUNE 30, 1903—JUNE 30, 1903.		
	Cost of construction of road.	Cost of road per mile.	Cost of equipment.		Cost of construction and improvements.	Cost of equipment.	Total.
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
1 Atlantic & St. Lawrence (G. T.).....	8,922,000	54,000	(¹) 05,631	8,922,000			1
2 Barre.....	363,399	30,244		439,021	92,920	11,409	2
3 Boston & Maine.....	43,620,140	68,845	6,777,621	49,398,262	451,656	1,865,373	3
4 Bristol.....	200,000	30,349					4
5 Central Vermont.....	13,823,574		(¹) 71,423	13,823,574	127,389	36,046	5
6 Clarendon & Pittsford.....	108,482		2,373,246	2,70,105	9,614	10,606	6
7 Delaware & Hudson.....	580,579	2,855	11,489	2,409,238			7
8 Hardwick & Woodbury.....	53,551	6,009		65,040			8
9 Hoosac Tunnel & Wilmington.....	432,511	17,300	72,376	504,887	1,445	7,888	9
10 Maine Central.....	14,562,748	36,879	2,617,687	17,180,436	(²) 304,515	(²) 556,553	10
11 Manchester, Dorset & Granville.....					121,519	4,550	11
12 Montpelier & Wells River.....	800,000	30,942	(²)	800,000	5,854		12
13 Montreal & Atlantic (C. P. R.).....	4,070,809	39,581		4,070,809	102,622		13
14 Rutland.....	17,077,565	45,270	2,324,875	20,502,441	720,819	1,102,072	14
15 St. Johnsbury & Lake Champlain.....	4,650,190	35,302	101,567	4,801,707			15
16 Vermont Valley.....	980,372	41,057	56,050	1,082,331	(²) 82,735	(²) 1,004	16
17 White River.....							17
18 Woodstock.....	230,000	18,011	23,610	273,610		4,500	18

(1) Equipment furnished by Grand Trunk Ry. Co. Lessee.

(2) Entire system.

(3) Equipment included in cost of road.

(4) Includes only construction belonging to D. & H. Co. as lessee of Rens. & Saratoga R. R.

(5) Includes in operating expenses.

(6) Includes \$30,953 included in operating expenses.

(7) No data.

TABLE VIII.

DESCRIPTION OF EQUIPMENT JUNE 30, 1903.

NAME OF COMPANY.	LOCOMOTIVES.									CARS.			
	Passenger.	Freight.	Switching.	Total.	In passenger service.	In freight service.	In company's service.	Total cars.	Number.	Number.	Number.	Number.	Number.
1 Atlantic & St. Lawrence (G. T.)..... ⁽¹⁾	0	2	1	3	5	115	4	124	1	124			
2 Barre.....	382	377	230	989	1534	17709	808	9051	2	9051			
3 Boston & Maine.....	1	0	0	1	1	1	0	2	3	2			
4 Bristol.....	25	62	1	88	89	2309	127	2398	4	2398			
5 Central Vermont.....	0	0	5	5	2	126	40	168	5	168			
6 Claremont & Pittsford.....	63	36	15	104	240	3118	90	3418	6	3418			
7 Delaware & Hudson.....	0	2	0	2	2	0	0	2	7	2			
8 Hardwick & Woodbury.....	4	2	0	6	6	115	6	127	8	127			
9 Hoosac Tunnel & Wilmington.....	63	76	83	172	245	4344	465	5004	9	5004			
10 Maine Central.....	1	0	0	1	0	8	0	8	10	8			
11 Manchester, Dorset & Granville.....	3	3	1	7	10	67	39	116	11	116			
12 Montpelier & Wells River.....				18	39	757	25	811	12	811			
13 Montreal & Atlantic (C. F. R.).....	32	43	14	89	104	3153	123	4330	13	4330			
14 Rutland.....	1	3	0	4	3	161	13	167	14	167			
15 St. Johnsbury & Lake Champlain.....	6	3	0	9	5	141	7	153	15	153			
16 Vermont Valley.....	2	2	0	4	2	7	15	24	16	24			
17 White River.....	0	2	0	2	4	6	0	10	17	10			
18 Woodstock.....				2					18				

⁽¹⁾ Equipment furnished by Grand Trunk Ry. Leased.

+ Observation 1. Includes 34 locomotives leased.

+ Includes 1586 leased.

+ Includes 529 leased.

+ Includes 13 leased.

TABLE IX.
PASSENGER AND FREIGHT TRAFFIC FOR YEAR ENDING JUNE 30, 1902.

1	2	3	4	PASSENGER TRAFFIC.			7	8	9	10	11	12	13	14	15
	Number of passengers car- ried earning revenue.	Number of passengers car- ried one mile.	Average distance carried.	Average amount received from each passenger.	Passenger earnings per mile of road.	Number of tons of freight carried earning revenue.	Number of tons carried one mile.	Average distance haul of one ton.	Average amount received for each ton of freight.	Freight earnings per mile of road (including track- age rights)	Gross earnings from operation per mile of road.	Expenses per mile of road.	Net earnings per mile of road.	Net loss per mile of road.	
NAME OF COMPANY.															
1 Atlantic & St. L. (G. T.) ⁽¹⁾	82,880	1,202,091	15.33	31844	1,187	1,119,025	32,817,081	20.38	139296	4,096	5,000	6,703	2,137	508	802
2 Barre..... ⁽²⁾	331,563	12,430,251	37.46	89343	1,874	1,545,000	163,855,672	106.06	57172	5,135	7,034	9,096	2,066	3,689	.....
3 Boston & Maine..... ⁽³⁾	8,772	47,055	5.41	17775	108	138,247	693,816	5.41	48102	6,068	7,259	3,619	3,689	.....	.....
4 Bristol..... ⁽⁴⁾	37,830,047	655,300,389	17.32	30551	5,756	18,183,321	1,020,362,196	89.11	98677	8,211	14,034	9,504	4,180	.....	.....
5 Central Vermont..... ⁽⁵⁾	955,058	28,665,068	30.02	69353	2,540	2,906,655	184,862,930	80.14	60295	4,758	7,388	9,250	2,137	.....	.....
6 Chardon & Pittsford..... ⁽⁶⁾	2,605,900	40,005,624	14.87	34973	5,467	3,315,361	562,532	4.80	3834	4,042	4,066	9,924	4,519	.....	.....
7 Delaware & Hudson..... ⁽⁷⁾	570	8,971	15.25	24508	14	95,960	330,430	9.60	38841	1,486	1,910	1,955	244	.....	.....
8 Hardwick and Woodbury..... ⁽⁸⁾	28,814	338,716	11.76	46729	849	49,580	783,916	15.82	36617	1,974	2,560	2,653	567	.....	.....
9 Hoosac T. & Wilmington..... ⁽⁹⁾	2,883,678	104,892,065	36.37	75118	3,070	4,049,412	330,460,107	81.01	90837	4,022	7,005	9,579	2,115	.....	.....
10 Maine Central..... ⁽¹⁰⁾															
11 Manchester, D. & G..... ⁽¹¹⁾															
12 Montpelier & Wells River..... ⁽¹²⁾	128,511	2,200,416	17.82	38704	1,288	179,407	4,325,751	23.54	57786	3,377	3,703	2,978	725	.....	.....
13 Montpelier & At. (C. P. R.) ⁽¹³⁾	98,955	1,501,165	15.73	27069	1,412	501,432	11,346,562	19.25	10892	2,926	4,778	4,353	125	.....	.....
14 Rutland..... ⁽¹⁴⁾	198,173	5,692,626	28.57	73816	897	744,565	40,500,964	54.49	44189	1,762	2,725	3,651	74	.....	.....
15 St. Johnsbury & L. C..... ⁽¹⁵⁾	917,064	21,677,315	23.62	50004	2,317	976,645	99,852,184	102.24	81170	3,257	5,070	3,680	3,680	1,832	.....
16 Vermont Valley..... ⁽¹⁶⁾	1,101,662	31,994,339	26.80	63064	2,030	1,521,056	155,609,576	102.24	89040	2,933	5,190	3,357	3,357	1,832	.....
17 White River..... ⁽¹⁷⁾	198,764	3,291,235	19.50	48772	768	339,638	17,817,843	53.54	62440	1,608	2,393	2,694	2,694	260	.....
18 Woodstock..... ⁽¹⁸⁾	35,416	497,006	11.49	43514	1,251	21,078	250,062	11.86	1,10398	6,755	11,241	8,806	2,382	.....	.....
															1,187

TABLE X.

CLASSIFIED FREIGHT TRAFFIC, IN TONS,

1	2	3	4	5	6
PRODUCTS OF					
NAME OF COMPANY.	Grain.	Flour.	Other mill products.	Hay.	Tobacco.
1 Atlantic & St. Lawrence (G. T.).....	(¹)	.....	.....	.....	.....
2 Barre.....	2,919	.....	.....	.....	.....
3 Boston & Maine.....	(²) 1,060,447	433,285	341,611	398,713	24,690
4 Bristol.....	(¹)	.....	.....	.....	.....
5 Central Vermont.....	(³) 280,962	51,718	62,501	138,412	.....
6 Clarendon & Pittsford.....	700	.....	.....	.....	.....
7 Delaware & Hudson.....	(²)	.....	.....	.....	.....
8 Hardwick & Woodbury.....	960	.....	.....	.....	.....
9 Hoosac Tunnel & Wilmington.....	(²) 3,690	604	.....	.....	.....
10 Maine Central.....	(²) 330,112	89,048	78,537	106,315	1,461
11 Manchester, Dorset & Granville.....	(²)	.....	.....	.....	.....
12 Montpelier & Wells River.....	(⁴)	.....	.....	.....	.....
13 Montreal & Atlantic (C. P. R.).....	(²) 77,078	66,937	14,694	27,711	.....
14 Rutland.....	(²) 32,497	25,063	17,175	31,277	.....
15 St. Johnsbury & Lake Champlain.....	50,480	14,079	20,148	6,030	17
16 Vermont Valley.....	44,872	15,793	9,537	23,183	1,121
17 White River.....	(¹)	.....	.....	.....	.....
18 Woodstock.....	2,418	365	1,501	170	.....

(¹) No data.(²) Whole line.(³) In Vermont.(⁴) No data in detail.

17	18	19	20	21	22
MANUFACTURES.					
NAME OF COMPANY.	Oils.	Sugar.	Naval stores.	Iron, pig and bloom.	Iron and steel rails.
1 Atlantic & St. Lawrence (G. T.).....	(¹)	.....	.....	.....	.....
2 Barre.....	(²) 179,268	142,268	12,633	269,960	192,534
3 Boston & Maine.....	(¹)	.....	.....	.....	.....
4 Bristol.....	(³) 18,712	22,796	.....	6,899	.....
5 Central Vermont.....	(²)	.....	.....	100	.....
6 Clarendon & Pittsford.....	(²)	.....	.....	.....	.....
7 Delaware & Hudson.....	(²)	.....	.....	.....	.....
8 Hardwick & Woodbury.....	(²)	.....	.....	.....	.....
9 Hoosac Tunnel & Wilmington.....	(²) 25,309	18,278	2,878	16,101	10,884
10 Maine Central.....	(²) 3	.....	.....	.....	.....
11 Manchester, Dorset & Granville.....	(⁴)	.....	.....	.....	.....
12 Montpelier & Wells River.....	(²) 1,118	.....	.....	.....	42
13 Montreal & Atlantic (C. P. R.).....	(²) 4,989	237	.....	3,209	.....
14 Rutland.....	1,177	1,839	6	2,630	125
15 St. Johnsbury & Lake Champlain.....	4,378	10,834	8	2,887	1,932
16 Vermont Valley.....	(¹)	.....	.....	.....	.....
17 White River.....	188	50	.....	23	.....
18 Woodstock.....	.....	.....	.....	.....	.....

(¹) No data.(²) Whole line.(³) In Vermont.(⁴) No data in detail.

TABLE X.

FOR YEAR ENDING JUNE 30, 1903.

7	8	9	10	11	12	13	14	15	16	
AGRICULTURE.			PRODUCTS OF ANIMALS.							
Cotton.	Fruits and vegetables.	Other articles.	Live stock.	Dressed meats.	Other packing-house product.	Poultry, game and fish.	Wool.	Hides and leather.	Other articles.	
225,631	263,707	274,512	142,630	212,084	542,298	106,952	195,821	254,569		1
			18,296		99,892	15,273	14,219	30,815		2
		209,718							48,552	3
	382							1,014		4
21,972	165,674		21,884	14,784	17,873	15,296	9,300	13,757		5
										6
	3,876	13,304	7,697	81,883		5,963	9,900	14,700	23,569	7
1,433	23,627	1,794	7,995	310	1,687	234	1,328	2,136	4,887	8
191	4,146		2,787	5,021	1,377	625	101	11,309		9
62	15,073		4,173	30,238	4,694	3	1,231	2,330		10
										11
32	87	85	626	29		18	220	65		12

23	24	25	26	27	28	29	30	
MANUFACTURES.								
Castings and Machinery.	Bar and sheet metal.	Cement, brick and lime.	Agricultural implements.	Wagons, carriages, tools, etc.	Wines, liquors and beers.	Household goods and furniture.	Other articles.	
322,542	143,665	664,725	62,698	29,766	245,022	111,138	1,195,903	1
		39,788	4,768					2
				25			25,350	3
							960,273	4
140								5
842		1,787						6
37,829	12,020	167,205	4,840	5,489	7,846	14,896		7
52		60						8
		536	550		3,848	3,119	202,827	9
6,140		16,084	1,756			3,823	22,328	10
2,818	1,298	17,252	406	229	245	1,333		11
30,072	2,933	16,301	733	1,623	1,727	3,571	49,178	12
								13
99		436	10	9		43	2,858	14

TABLE X.

CLASSIFIED FREIGHT TRAFFIC, IN TONS, FOR YEAR ENDING JUNE 30, 1903.—(Concluded.)

NAME OF COMPANY.	PRODUCTS OF MINES.										PRODUCTS OF FORESTS.			Ice.	Miscellaneous.	Total tonnage.
	Anthracite coal.	Bituminous coal.	Coke.	Ores.	Stone sand and other like articles.	Other articles.	Lumber.	Other articles.	Merchandise.	Ice.	Miscellaneous.	Total tonnage.				
31	32	33	34	35	36	37	38	39	40	41	42	43				
1 Atlantic & St. Lawrence (G. T.)....	(1)												1			
2 Barre.....	(2) 1,235,172	2,706,294	328,201	105,815	144,567		2,024,970	88,314					2			
3 Boston & Maine.....	(3)				732,081						330,058		3			
4 Bristol.....	(4)												4			
5 Central Vermont.....	(5) 32,502	49,783	686	4,767	128,105		212,442						5			
6 Clarendon & Pittsford.....	(6) 7,049	100			88,488		1,000						6			
7 Delaware & Hudson.....	(7)												7			
8 Hardwick & Woodbury.....	(8) 910				20,631	1,497,504		394,430					8			
9 Hoosac Tunnel & Wilmington.....	(9)												9			
10 Maine Central.....	(10) 4,506						20,788	11,601					10			
11 Manchester, Dorset & Granville.....	(11) 75,222	511,774	7,075	2,301	102,042		825,283	245,376					11			
12 Montpelier & Wells River.....	(12)				6,284		69						12			
13 Montreal & Atlantic (C. P. R.)....	(13)												13			
14 Rutland.....	(14) 155				16,943	206	34,577	34,730					14			
15 St. Johnsbury & Lake Champlain....	(15) 35,714	138,349	624	845	92,546		66,129	143,063					15			
16 Vermont Valley.....	(16) 6,504	12,520	1,441	39	44,032		85,378	24,022					16			
17 White River.....	(17) 6,377	79,400	1,204		18,977		127,954	55,586					17			
18 Woodstock.....	(18) 1,853	305	1,110		35	94	2,467	1,441					18			

(1) No data.

(2) Whole line.

(3) In Vermont.

(4) No data in detail.

* Entire line 1,507,380.

TABLE XI.

EMPLOYEES AND SALARIES

NUMBER OF EMPLOYEES.

1	2	3	4	5	6	7	8
NAME OF COMPANY.	General officers.	Other officers.	General office clerks.	Station agents.	Other station men.	Enginemen.	Firemen.
1 Atlantic & St Lawrence (G. T.)	1	10	4	4	10	13	10
2 Barre.....	1	.....	2	2	2	1	1
3 Boston & Maine..... ⁽¹⁾	30	91	922	739	3,540	1,163	1,169
4 Bristol.....	2	.....	.....	1	1	1	1
5 Central Vermont.....	4	22	136	68	271	108	117
6 Clarendon & Pittsford.....	1	.....	.....	.....	2	4	4
7 Delaware & Hudson..... ⁽²⁾		4	65	127	251	74	75
8 Hardwick & Woodbury.....	7	.....	.....	1	.....	1	1
9 Hoosac Tunnel & Wilmington.....	2	.....	1	3	1	3	3
10 Maine Central..... ⁽²⁾	10	32	143	201	443	169	168
11 Manchester, Dorset & Granville.....	.....	.....	.....	.....	.....	1	1
12 Montpelier & Wells River.....	4	2	3	9	12	8	7
13 Montreal & Atlantic (C. P. R.).....	2	.....	8	32	46	23	23
14 Rutland.....	9	6	82	49	79	49	48
15 St. Johnsbury & Lake Champlain..	9	3	3	27	8	21	21
16 Vermont Valley.....	2 ⁽²⁾	1 ⁽¹⁾		5	8	4	3
17 White River..... ⁽¹⁾							
18 Woodstock.....	1	9	.....	4	2	2	2

AVERAGE DAILY SALARY, (DOLLARS).

1 Atlantic & St. Lawrence (G. T.).....	21.63	3.09	1.31	1.80	1.33	3.15	1.95
2 Barre.....	5.17	.....	2.26	1.86	1.50	2.99	1.62
3 Boston & Maine..... ⁽²⁾	21.78	5.86	2.10	1.85	1.79	3.41	1.96
4 Bristol..... ⁽¹⁾							
5 Central Vermont.....	14.84	5.61	1.34	1.41	1.14	2.94	1.71
6 Clarendon & Pittsford..... ⁽²⁾	5.00	.....	.....	.....	1.25	3.00	1.80
7 Delaware & Hudson..... ⁽²⁾		15.48	2.16	2.67	1.43	4.23	2.56
8 Hardwick & Woodbury.....	.48	.....	.....	1.00	.....	3.00	1.60
9 Hoosac Tunnel & Wilmington.....	3.00	.....	2.54	1.81	2.40	2.14	1.59
10 Maine Central..... ⁽²⁾	14.10	4.14	1.87	1.61	1.48	3.32	2.03
11 Manchester, Dorset & Granville.....	.....	.....	.....	.....	.....	3.00	2.00
12 Montpelier & Wells River.....	7.41	4.31	1.60	1.63	1.65	2.58	1.58
13 Montreal & Atlantic (C. P. R.).....	4.79	.....	1.31	1.75	1.24	3.60	2.09
14 Rutland.....	10.31	4.53	1.92	1.64	1.38	3.59	2.08
15 St. Johnsbury & Lake Champlain ..	4.01	3.23	1.55	1.46	1.36	2.94	1.68
16 Vermont Valley.....	1.60	3.75	.....	1.66	1.53	3.66	1.97
17 White River..... ⁽¹⁾							
18 Woodstock.....	5.75	5.00	.....	1.36	1.50	2.70	1.68

⁽¹⁾ No data.⁽²⁾ Part hired from Boston & Maine.⁽³⁾ Entire line.

TABLE XI.

FOR YEAR ENDING JUNE 30, 1903.

NUMBER OF EMPLOYEES.

9	10	11	12	13	14	15	16	17	18	19	
Conductors.	Other trainmen.	Machinists.	Carpenters.	Other shopmen.	Section foremen.	Other truckmen.	Switchmen, flagmen, watchmen.	Telegraph operators.	Other employees.	Total.	
34	63	6	15	7	6	19	9	7	37	255	1
1	4			2	4	29	1			49	2
1,021	2,640	641	1,061	1,259	698	3,418	1,698	428	2,650	25,205	3
1					1	4	1		1	14	4
75	161	61	172	299	61	298	86	48	102	2,089	5
3	8		3	1	9	16				45	6
53	131	90	125	277	69	297	249	38	374	2,299	7
1	2	1			3	12	1			30	8
3	3			12	3	11	2		12	59	9
136	364	107	219	109	165	895	219	89	618	4,172	10
1										3	11
6	8	8	5	19	11	83	2		2	189	12
18	44	18	17	23	36	88	16	19	95	508	13
35	90	27	9	217	51	248	16	27	100	1,142	14
15	25	2	8 ⁽²⁾		34	73	9	3	19	289	15
4	12	(2)	6	1	6	88	3	4	7	152	16
											17
2	3				3	11	1			49	18

AVERAGE DAILY SALARY, (DOLLARS).

2.67	2.00	1.93	1.76	2.02	1.62	1.17	1.68	1.58	1.86	1.83	1
2.84	1.88			1.76	1.75	1.50	1.51			1.72	2
2.86	1.98	2.39	2.02	1.94	2.14	1.49	1.51	1.82	1.62	1.97	3
											4
2.53	1.68	2.28	1.80	1.39	1.56	1.12	1.40	1.82	1.08	1.65	5
1.75	1.65		2.15	1.30	1.90	1.25				1.67	6
3.42	2.31	2.18	1.88	1.72	1.84	1.30	1.70	2.01	1.52	1.88	7
2.50	1.60	3.00			1.72½	1.27½	1.15			1.43	8
1.99	1.40			1.84	1.59	1.35	1.34		1.39	1.65	9
2.91	2.00	1.94	1.83	1.80	1.81	1.46	1.33	1.66	1.50	1.84	10
1.75										2.25	11
2.22	1.72	2.42	2.11	1.69	1.78	1.42	.62		1.69	1.89	12
2.75	1.95	1.80	1.40	1.40	1.88	1.31	2.68	2.12	1.64	1.76	13
3.41	1.97	2.18	1.87	1.57	1.74	1.33	1.47	1.73	1.41	1.82	14
2.67	1.76	2.42	1.79		1.66	1.30	1.13	1.92	1.42	1.72	15
2.78	1.98		1.82	2.58	2.03	1.44	1.39	1.54	1.90	1.69	16
											17
2.30	1.75				1.65	1.35	1.50			1.78	18

TABLE XII.

AVERAGE PASSENGER FARES PER MILE FOR

	NAME OF COMPANY.	1887	1888	1889	1890	1891	1892
1	Atlantic & St. Lawrence (G. T.)....	.0265	.0263	.0262	.0252	.0259	.0255
2	Barre.....	(¹)	.03425	.02708	.02546	.05	.05625
3	Boston & Maine.....	(¹)				.02154	.02067
4	Bristol.....						
5	Central Vermont.....	.025	.026	.025	.025	.022	.021
6	Clarendon & Pittsford.....						
7	Delaware and Hudson.....	.0229	.02473	.02401	.02403	.02404	.02368
8	Hardwick & Woodbury.....						
9	Hoosac Tunnel & Wilmington.....		.0436	.0433	.04328	.04329	.03312
10	Maine Central.....	(¹)	(¹)	†.048		.02384	.02370
11	Manchester, Dorset & Granville (¹)						
12	Montpelier & Wells River.....	(¹)	†.04	.035	.03454	.03313	.02492
13	Montreal & Atlantic (C. P. R.).....	(¹)	(¹)	(¹)	(¹)	(¹)	.01577
14	Rutland.....						
15	St. Johnsbury & Lake Champlain..	(¹)	.0316	.0275	.02592	.02595	.02421
16	Vermont Valley.....	.03375	.03418	.03193	.03257	.03153	.0323
17	White River.....(¹)						
18	Woodstock.....	.05	.05	.0365	.039	.035	.03681

Local.

(¹) No data.(²) Saratoga Division.

* Entire line.

† Mileage rate, 3 cents.

‡ Upper Coos.

TABLE XIII.

AVERAGE FREIGHT RATES PER TON PER MILE FOR

	NAME OF ROAD.	1887	1888	1889	1890	1891	1892
1	Atlantic & St. Lawrence (G. T.)	.008	.0089	*.0147	*.0141	.0079	.0082
2	Barre.....			†.0054	†.0058	.04001	.0682
3	Boston & Maine.....	(¹)	(¹)	.01234	.01041	.00046	.008194
4	Bristol.....						(¹)
5	Central Vermont	.0091	.0077	.0083	.0075	.0079	(¹)
6	Clarendon & Pittsford.....	(¹)	(¹)	(¹)	(¹)	.073	.0978
7	Delaware & Hudson.....	.0132	.014	.01200	.01137	.0134	.01394
8	Hardwick & Woodbury.....						
9	Hoosac Tunnel & Wilmington.....		.0832	.0666	(¹)	.11222	.10548
10	Maine Central.....(²)			‡.05390	(¹)	.018	.015
11	Manchester, Dorset & Granville ..(¹)						
12	Montpelier & Wells River	(¹)	(¹)	.0354	.03166	.03245	.03113
13	Montreal & Atlantic (C. P. R.)	(¹)	(¹)	(¹)	(¹)	(¹)	.0064
14	Rutland.....						
15	St. Johnsbury & Lake Champlain...	(¹)	.01296	.01274	.0119	.01165	.0108
16	Vermont Valley.....	.01153	.01104	.01038	.00958	.00955	.00961
17	White River.....(¹)						
18	Woodstock.....	.09	.09	.095	.08	.09	.09897

Local.

(¹) No data.(²) Saratoga Division.

Entire line.

* Local.

† Through.

TABLE XII.

17 YEARS, 1887—1903, IN VERMONT ONLY.—(CENTS).

1893	1894 and 1895	1896 and 1897	1898	1899	1900	1901	1902	1903		
.02944	.02875	.02110	.01985	.02235	.02212	.02162	.02078	.02165	1	
.05594	.03611	.02863	.03083	.03061	.3494	.05	.03285	.03268	2	
.02061	.0218	.02190	*.01750	*.01715	.01727	*.01763	.01764	.01774	3	
				(¹)	(¹)	(¹)	(¹)	(¹)	4	
.0225	.02165	.02147		.02228	.02187	.02160	.02211	.02211	5	
				.01190	(¹)	(¹)	(¹)	(¹)	6	
.02131	\$.02292	*.02239	*.02250	*.02212	.02267	(²)	(²).02270	(²).02204	(²).02295	7
		.01868	.01894	.01450	.01496	(¹)	.01588	.01476	8	
.03374	.03277	.03371	.03431	.03401	.03420	.03371	.03464	.03510	9	
.02327	.02269	.02330	*.02232	*.02268	.02228	.02155	.02065	.02055	10	
						(¹)	(¹)	(¹)	11	
.02364	.02121	.03337	.01972	.02666	.02568	.02146	.02171	.02354	12	
01641	.01949	.02074	.02558	.01946	.01731	.02566	.01755	.02041	13	
		.02304	.02320	.02461	.02442	.02090	.02291	.02247	14	
.02369	.02237	.02174	.02210	.02449	.02567	.02627	.02501	.02618	15	
.03229	.02883	.02382	.02350	.02246	.02265	.02232	.02210	.02277	16	
							(¹)	(¹)	17	
.037	.03707	.03614	.03637	.03538	.03608	.03524	.03786	.03764	18	

TABLE XIII.

17 YEARS, 1887—1903, IN VERMONT ONLY.—(CENTS.)

1893	1894 and 1895	1896 and 1897	1898	1899	1900	1901	1902	1903	
.00788	.00722	.00718	.00689	.00443	.00437	.00476	.00425	.00391	1
.11507	.11416	.11236	.10129	.10020	.10581	.9942	.08900	.06210	2
.008268	.00814	.00837	.01482	.01430	.01439	.0114	.01119	.01131	3
(¹)	(¹)	(¹)			(¹)	(¹)	(¹)	(²)	4
.00796	.00783	.00978	....	.00677	.00653	.00737	.00752	.00824	5
.08796	.09509	.09063	....	.08317	.186	.066	.0325	(¹)	6
.01204	.01262	(²).01221	(²).00819	(²).01183	(²).01105	(²).01165	(²).01071	(²).01126	7
		.06206	.06084	.07485	.06709	.04927	.04274	.05487	8
.07509	.07606	.06228	.06715	.06825	.06719	.06131	.06297	.06281	9
.01549	.01429	.01336	.01284	.01161	.01131	.01146	.01113	.01135	10
								.10	11
.02283	.0196	.04638	.02331	.02587	.02595	.01818	.02454	.02671	12
.00721	.00807	.00715	.00803	.00582	.00508	.00475	.00540	.00534	13
		.01462	.01399	.01180	.01132	.00821	.00793	.00896	14
.00950	.00874	.00799	.00767	.00683	.00899	.01114	.01198	.01242	15
.00986	.01048	.00940	.00915	.00900	.00978	.00938	.00974	.01058	16
							(¹)	(¹)	17
.00274	.00923	.00297	.00377	.00644	.00076	.00484	.00301	.00603	18

STATISTICS OF
ELECTRIC ROADS.

TABLE I.
ELECTRIC RAILWAYS.—MILEAGE, EQUIPMENT, ETC., JUNE 30, 1903.

1	2	3	4	5	6	7	8	9	10
NAME OF COMPANY.	MILEAGE.		EQUIPMENT.				Total number of passengers carried year ending June 30th, 1903.	Average number employees including officials.	Kind of Fender used.
	Total miles of single track.	Total miles sidings, switches, etc.	Number closed cars.	Number open cars.	Number other cars.	Total cars.			
1 Barre & Montpeller.....	9.187	.011	6	6	2	14	779,292	22	Parmenter.
2 Bellows Falls.....	6.250	.295	1	3	6	10	155,265	11	Providence.
3 Bennington & Hoosick.....	16.000	.520	7	8	5	20	781,108	34	Providence.
4 Brattleboro.....	4.830	1.000	4	4	2	10	340,912	19	Parmenter.
5 Burlington.....	10.770	.560	10	12	1	23	1,614,636	37	Parmenter.
6 Military Post.....	4.640	.151	3	3	1	7	397,298	11	Parmenter.
7 Mount Mansfield.....	10.500	.750	3	0	3	6	99,271	12	Parmenter.
8 Rutland.....	23.300	.550	7	7	1	15	108,582	45	Parmenter.
9 Springfield.....	7.165	1.152	3	2	9	14	*	28	Hipwood-Barrett.
10 St. Albans.....	12.710	.....	3	6	4	13	*	..	.....

*No data.

TABLE II.
ELECTRIC RAILWAYS.—INCOME AND OPERATING EXPENSES FOR YEAR ENDING JUNE 30, 1903.

1	NAME OF COMPANY.	2	INCOME.					7	8	9			
			From passen- gers. <i>Dollars.</i>	From freight. <i>Dollars.</i>	From express. <i>Dollars.</i>	From mails. <i>Dollars.</i>	From other sources. <i>Dollars.</i>				Total income. <i>Dollars.</i>	Opera- ting expen- ses. <i>Dollars.</i>	Net Income from opera- tion. <i>Dollars.</i>
1	Barre & Montpelier.....	35,088	.....	.....	.....	251	35,339	25,148	10,191				
2	Bellows Falls.....	15,772	1,827	493	451	308	18,852	18,447	405				
3	Bennington & Hoosick.....	37,686	1,612	*	*	312	39,610	28,314	11,296				
4	Brattleboro.....	16,184	*	*	250	120	16,554	*	*				
5	Burlington.....	72,878	*	*	*	*	*	47,371	25,506				
6	Military Post.....	19,865	*	*	*	222	20,087	12,808	7,279				
7	Mount Mansfield.....	7,466	6,894	588	656	486	16,090	13,609	2,481				
8	Rutland.....	*	.....	.....	.....	.....	.....	.....	.....				
9	Springfield..	14,278	17,458	920	754	3,145	36,555	20,239	16,316				
10	St. Albans.....	26,690	154	373	249	424	27,891	35,239	(1) 7,348				

* No data.

(1) Deficit.

TABLE III.
ELECTRIC RAILWAYS.—ASSETS, JUNE 30, 1903.

1	2	3	4	5	6	7	8
NAME OF COMPANY.	Cost of Construc- tion.	Cost of Equipment.	Other Permanent Property.	Cash and Current Assets.	Materials and Supplies.	Miscel- laneous Assets.	Total Assets.
	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>	<i>Dollars.</i>
1 Barre & Montpelier..... ^(*)	252,757	.....	35,657	11,056	725	98,962	399,160
2 Bellows Falls..... ^(*)	175,000	.....	*	206	.....	.....	175,206
3 Bennington & Hoosick Valley... ^(*)	386,340	.....	*	1,997	2,672	26,933	417,943
4 Brattleboro.....*	.....	.....	.....	.....	.....	.....	.....
5 Burlington..... ^(*)	390,788	.....	.....	5,747	.....	.....	396,535
6 Military Post.....*	.....	.....	.....	.....	.....	.....	.....
7 Mount Mansfield.....	200,510	.....	.....	766	1,400	76	203,038
8 Rutland.....*	.....	.....	.....	.....	.....	.....	.....
9 Springfield..... ^(*)	237,565	.....	.....	167	2,600	4,667	245,128
10 St. Albans.....*	.....	.....	.....	.....	.....	.....	.....

^(*) Includes equipment.

* No data.

TABLE IV.
ELECTRIC RAILWAYS.—LIABILITIES JUNE 30, 1903.

1	2	3	4	5	6
NAME OF COMPANY.	Capital Stock. <i>Dollars.</i>	Funded debt. <i>Dollars.</i>	Current Liabilities. <i>Dollars.</i>	Accrued Liabilities. <i>Dollars.</i>	Total Liabilities. <i>Dollars.</i>
1 Barre & Montpelier.....	120,000	100,000	26,200	152,960	399,160
2 Bellows Falls.....	100,000	75,000	9,008	.....	184,006
3 Bennington & Hoosick.....	200,000	182,000	35,943	.....	417,943
4 Brattleboro.....*	.....	.....	.....	.....	.....
5 Burlington.....	200,000	125,000	.....	(¹) 71,535	396,535
6 Military Post.....	70,000	90,000	.....	1,919	161,919
7 Mount Mansfield.....	300,000	200,000	45,765	345	546,110
8 Rutland.....*	.....	.....	.....	.....	.....
9 Springfield.....	64,000	100,000	63,500	(¹) 17,028	245,128
10 St. Albans.....*					

* No data.

(¹) Profit and loss account.

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